

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

WYATT B., et al.,)	
)	
Plaintiffs,)	Case No. 6:19-cv-00556-AA
)	
v.)	
)	
TINA KOTEK, et al.,)	September 12, 2024
)	
Defendant.)	Eugene, Oregon
)	

Final Fairness Hearing

TRANSCRIPT OF PROCEEDINGS

BEFORE THE HONORABLE ANN AIKEN

UNITED STATES DISTRICT COURT SENIOR JUDGE

APPEARANCES

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(P R O C E E D I N G S)

(September 12 2024; 10:04 a.m.)

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THE COURTROOM DEPUTY: Now is the time set for Civil Case No. 19-556, Wyatt B., et al. versus Kotek, et al. for fairness hearing.

Counsel, if you could please introduce yourselves for the record, beginning with plaintiffs.

THE COURT: Wait, hold on. One at a time. Let's start with you.

MS. COOPER: Good morning, Your Honor. My name is Emily Cooper. I'm the legal director at Disability Rights Oregon and a member of class counsel.

MS. LOWRY: Your Honor, my name is Marcia Lowry. I'm with A Better Childhood for plaintiffs.

MS. BENEDETTO: Anastasia Benedetto with A Better Childhood for plaintiffs.

MR. RIZZO: Steve Rizzo, Your Honor, with Rizzo Bosworth Eraut for plaintiffs.

MR. STENSON: Tom Stenson for Disability Rights Oregon.

THE COURT: Thank you.

MS. BLAESING: Good morning, Your Honor. Lauren Blaesing from Markowitz Herbold, special assistant attorney general for the State defendants.

1 MR. MARKOWITZ: Your Honor, David Markowitz, special
2 assistant attorney general, appearing on behalf of all
3 defendants.

4 MS. CRIPPEN: Good morning, Your Honor. Kelsey
5 Crippen from Markowitz Herbold, also appearing on behalf of the
6 defendant.

7 I'd also like to introduce ODHS leadership that's
8 here today. Sitting behind me --

9 THE COURT: I'm going to ask people to just be
10 seated. The microphone system in this courtroom is inadequate.
11 Standing is making it more difficult for both the court
12 reporter and for me to hear, and especially when you have a
13 soft voice, which a number of you have. So I'm just going to
14 have you seated. Speak into the microphone so we don't spend
15 our whole day saying, "Please again," or "didn't hear you."

16 Go ahead.

17 MS. CRIPPEN: Thank you, Your Honor.

18 I'd also like to introduce ODHS leadership here today
19 at the hearing. Sitting behind me is director of ODHS Child
20 Welfare, Aprille Flint-Gerner.

21 THE COURT: You should have them stand so I know who
22 is who.

23 MS. FLINT-GERNER: Good morning, Your Honor.

24 THE COURT: Good morning.

25 MS. CRIPPEN: And deputy director of ODHS Child

1 Welfare, Lacey Andresen, is also here today.

2 MS. ANDRESEN: Good morning.

3 MS. CRIPPEN: Your Honor, attending the hearing today
4 remotely is director of ODHS, Fariborz Pakseresht, along with
5 Rachel Currans-Henry, who serves as senior human services
6 director to Governor Tina Kotek.

7 THE COURT: Could you say them again? Because I had
8 trouble hearing you.

9 MS. CRIPPEN: Your Honor, attending today's hearing
10 remotely is director of ODHS, Fariborz Pakseresht, along with
11 Rachel Currans-Henry, who serves as senior policy advisor to
12 Governor Tina Kotek.

13 THE COURT: All right. Thank you.

14 Any other introductions?

15 MS. CRIPPEN: No, Your Honor.

16 THE COURT: I've had a chance to read all the
17 submissions that have been provided to the Court. I am
18 understanding that there are people who want to testify for
19 purposes of this hearing. What I will tell you, this courtroom
20 belongs to the people, so we will make our best accommodations
21 to make a very difficult situation for people who are stepping
22 forward to comment either positively or negatively on the
23 settlement, the opportunity to either stand or sit near
24 counsel. Come and sit up here where you can speak directly to
25 the Court. Have a handheld microphone and be in a place where

1 you feel supported or come up to the podium. Any other
2 combination of the use of the courtroom would be just fine with
3 me, as long as people feel comfortable to tell the Court
4 whatever you need to provide by way of information. So I'm
5 just going to lay that out there.

6 At this time, I guess I would like to hear from
7 counsel on how you wish to proceed with regard to your
8 settlement. Lay the groundwork for the basis of that
9 settlement and the context in which you wish to have the
10 remaining part of time for this hearing utilized.

11 So let's start with plaintiffs' counsel.

12 MS. COOPER: Thank you, Your Honor.

13 We would propose that we begin with comments from the
14 class, starting with Ms. Whitney Rogers, who is to my right,
15 and then going to anyone in the galley who would like to speak,
16 and then we will present argument to you for consideration.

17 THE COURT: All right. And any additions or
18 corrections to that request?

19 MS. CRIPPEN: No, Your Honor.

20 THE COURT: Go ahead and call your first.

21 MS. COOPER: Your Honor, I call Ms. Whitney Rogers.

22 THE COURT: And I'm going to ask Cathy, because I
23 just trust you more than I trust anybody else. Would you move
24 that screen so I can see her? If you move over. I just want
25 to get the screen out of your way, since we're not using it.

1 MS. ROGERS: Good morning, Your Honor. My name is
2 Whitney. I appreciate the opportunity to share my personal
3 perspective on the settlement agreement. This is deeply
4 impactful for me. I aged out of care after this lawsuit was
5 filed, and during my time in the system, I experienced a wide
6 range of placements -- excuse me -- including -- I apologize --
7 including group home, kinship care, and hospitals. At age 14,
8 DHS moved me 233 miles away from my biological family and
9 community of origin to a group home called Give Us This Day,
10 where I, like many others, endured exploitation and neglect at
11 the hand of certified care providers.

12 Despite my efforts -- Sorry, I'm starting to shake.

13 THE COURT: Can I ask you a question to try to help
14 you? You're just talking to me.

15 So I heard you say you were moved 335 miles to a
16 program called Give Us This Day. How old were you when that
17 took place?

18 MS. ROGERS: Fourteen.

19 THE COURT: Fourteen. Okay. Just look at -- use
20 your notes, but just talk to me about what you want me to know.
21 Okay?

22 MS. ROGERS: Yes, Your Honor.

23 Like many others, I endured exploitation and neglect
24 at the hands of certified care providers. Despite my efforts
25 to report the abuse and protect my physical and mental

1 well-being, it wasn't until much later that I was relocated to
2 a psychiatric residential facility in Benton County. Even
3 though I was eventually cleared for discharge, I had no viable
4 placement options.

5 THE COURT: May I ask you a question?

6 MS. ROGERS: Yes.

7 THE COURT: How old were you when you were discharged
8 from the facility?

9 MS. ROGERS: Seventeen and -- I was like two months
10 away from being 18.

11 THE COURT: Two months before you were 18. And do
12 you remember how old you were when you went into the facility?

13 MS. ROGERS: I'd just turned 15. It was June of
14 '20 -- I'd just turned 15.

15 THE COURT: So essentially you spent from ages 14 to
16 almost -- or just past 15 in the group home 335 miles from your
17 home?

18 MS. ROGERS: Correct.

19 THE COURT: And then you went to the psych unit in
20 Benton County. Do you remember the name of that place?

21 MS. ROGERS: Yes. Trillium Family Services.

22 THE COURT: And you were there until two months shy
23 of your 18th birthday?

24 MS. ROGERS: Yes, that's correct. I discharged in
25 early September. I turned 18 in November.

1 THE COURT: I'm sorry to interrupt. I want to make
2 sure I understand what you're telling me.

3 MS. ROGERS: Yes. Yeah, so -- yeah. I was in that
4 psychiatric residential facility, where I experienced a number
5 of maltreatment. I was put on adult doses of psychiatric drugs
6 that were unneeded, and it wasn't until I had the intervention
7 of a good courtesy worker, who against maybe not the
8 recommendations of my doctor, but against the desires of the
9 treatment facility, worked with a psychiatric nurse at that
10 residential facility to help me discharge.

11 She became a placement. She gave up 12 years of her
12 career in this psychiatric facility to act as a placement for
13 me, because my only other option was a group home again that
14 would be farther away from a community that I didn't know
15 anyone in.

16 And so now that I provided some of that context of,
17 like, my experience just as a teenager --

18 THE COURT: Can I ask you -- I know this might be
19 difficult, but I would appreciate when you talk about your
20 maltreatment, can you give me an idea of what that means?

21 MS. ROGERS: Sure. I was subjugated to unnecessary
22 physical restraints, due to, like, anything that upset milieu
23 staff. There were several incidents where milieu staff
24 believed that I had too much influence over my peers and would
25 socially isolate me. I can think of one incident in December

1 of 2017, where I was socially isolated for 11 days over
2 Christmas break with no communication with caseworkers or
3 lawyers because it was Christmas break, because the facility
4 believed that I had provided location information to other
5 peers who had chose to run away, with no proof or anything.

6 I -- again, I suffered physical effects from the
7 amount of medication that went through my body. I got stomach
8 ulcers from the lack of consistent, like, I don't know,
9 overview of how is this much medication affecting this 15-,
10 16-, 17-year-old's body. Right? At the same time, the
11 psychotropic drugs took a toll on my mental health, and I had
12 never been a self-harmer, but I experienced several suicide
13 attempts and self-harm behaviors. Three landed me in the
14 hospital with pretty severe chemical burns to my throat,
15 permanent muscle damage to one of my arms. And yes, they were
16 self-inflicted.

17 And I also understand that the kind of care I was
18 receiving there, although it was sometimes very poor, that's
19 also where I received some of the best care. I received very
20 good care from two very good psychotherapists.

21 So if Your Honor doesn't mind, I'm going to get back
22 to my notes. Is that okay?

23 THE COURT: No, that's very helpful. Thank you.

24 MS. ROGERS: Now I've provided some context about who
25 I am, I want to take a moment to acknowledge the labor, care,

1 and contribution of the community members and service providers
2 across Oregon who played a role in my development, particularly
3 in my formative years. While I experienced the worst ODHS had
4 to offer, both in their personnel and their placements, I also
5 experienced some of the best. To my friends and colleagues in
6 the Department of Human Services, I commend your efforts and
7 contributions to your respective communities.

8 From my understanding of this settlement, it
9 introduces several positive changes that could have lasting
10 impacts on how Oregon supports youth. The introduction of
11 independent oversight is a great starting point for enhancing
12 internal accountability, which can improve the department's
13 efficiency and transparency. Given the scope of the
14 requirements of the settlement, a ten-year window seems
15 appropriate for making steady progress towards creating a more
16 sustainable system, although I would like to see more
17 accountability measures and more definitive, written-out ways
18 of what success looks like.

19 And, Your Honor, I would be happy to forward you some
20 recommendations that a few thought leaders from across the
21 country who have been in foster care and youth from around
22 Oregon have created, accountability measures to ensure that
23 this lawsuit that doesn't really feel like a win, it doesn't
24 feel fair, it feels like five years of nothing for the State to
25 agree to improve in a system we all knew already was failing.

1 Excuse me. Despite the department's significant
2 spending and presence of many skilled professionals, the same
3 issues continue to affect my community: Limited access to
4 quality prevention services; the high rate of youth aging out
5 of care who become homeless or who have children who are
6 subsequently placed in care. I have many friends like that.

7 THE COURT: Can I ask you a question?

8 MS. ROGERS: Yes, ma'am.

9 THE COURT: You indicated you had terms you would
10 submit for the Court to consider, a variety of objectives and
11 recommendations. Are those readily available? Do you have
12 them --

13 MS. ROGERS: Yes.

14 THE COURT: -- for example, on your phone, which I
15 suspected you did.

16 MS. ROGERS: I can email them to you.

17 THE COURT: Email them right now. Ann, A-n-n,
18 underscore --

19 MS. ROGERS: May I please email them to Emily Cooper
20 so she may forward --

21 THE COURT: Perfect.

22 MS. COOPER: Will you still repeat your email
23 address?

24 THE COURT: I will. Ann -- no E -- underscore Aiken,
25 a-i-k-e-n at ord.uscourts -- with an S at the end -- dot gov.

1 MS. COOPER: I'll forward that to Your Honor.

2 THE COURT: Thank you.

3 MS. ROGERS: I appreciate that.

4 THE COURT: Again, take a deep breath. Just take a
5 deep breath. I know being here is not easy. I am -- admire
6 your candidness and your willingness to share. I also admire
7 that you have put a lot of thought into it. And that document
8 will be helpful not only to the Court, but, more importantly,
9 to the independent neutral, so that he has the best opportunity
10 to see at a baseline where Oregon stands and where it needs to
11 go.

12 MS. ROGERS: I agree. And I would also like to see
13 some of the responsibility of this neutral party which is
14 shared at maybe more regular check-in from the Court. I feel
15 we cannot rely on -- right now, as it stands from my
16 understanding of the settlement, that what success would look
17 like is they make meaningful and reasonable efforts to improve.
18 I don't know what that means. I don't know what reasonable
19 effort to improve the system means, and in ten years how many
20 thousands of children will suffer the unimproved system.

21 And so I am curious, and when we had a conversation
22 on August 12th at a listening session, Aprille and ODHS lacked
23 those answers, and that listening session was, in my opinion, a
24 failure, and it showed DHS's lack of ability to gather these
25 voices. There were three DHS conferences hosted where foster

1 youth were gathered across the state this summer, and not one
2 of those spaces held place for young people to give feedback on
3 the settlement or read about the settlement. That is not a
4 missed opportunity on behalf of the Department of Disability
5 Rights, that is a missed opportunity on DHS. They understand
6 where youth congregate. They understand when organizations
7 send out emails to group homes saying, "I am trying to collect
8 youth voice on this settlement, why don't these group homes
9 reply?" Why is DHS still lacking -- anyways, I feel strongly.
10 I also am a professional who works very closely with a lot of
11 these individuals, and I want to continue to work in this
12 community for a long time to come and see this settlement
13 through.

14 But I am optimistic and I have very strong
15 hesitations that our government could throw so many millions of
16 dollars to -- defending themselves, and in the end just be,
17 like, well, yeah, we were failing them, and our agreement is
18 that we will try and do better. I wish my mom had that kind of
19 leniency. I wish my parents had that kind of leniency.

20 I think that's all.

21 THE COURT: So a couple of things I'd like to tell
22 you. One of the advantages I had and have had in this case is
23 I was able to vet the background of the neutral. And I will
24 have him address all of us later on in the hearing, so I hope
25 you don't leave, because I'm going to ask him to talk about

1 state by state what he's accomplished to take systems that are
2 in disrepair, disorganization, not adequately meeting the needs
3 constitutionally and otherwise, such that a lawsuit was
4 necessary to bring them into compliance or, in some instances,
5 the community knew that they needed to do better and reached
6 out. That's the exception. But reached out, and it's still a
7 very difficult situation. This is a complex issue.

8 But he has had enormous success. He was -- he's an
9 outstanding choice. And I want people to hear from him in
10 terms of what he's accomplished and what he's about to
11 accomplish in a state that he's been working with for a long
12 time, because I spoke individually with each judge supervising
13 each state, and to a person, I've never received higher
14 commendation about somebody's service and capabilities, and
15 waste of time to get to the point where we can start making a
16 difference bothers me extraordinarily. And it's long overdue
17 that we are starting to address the needs, because children are
18 our most precious resource, and those children who have
19 situations that they were born into or did not choose to be a
20 part of deserve our best work, our very best work, all of our
21 resources, and our attention to do better. That's our legacy
22 in terms of human beings.

23 So you're impressive, in the sense that you have
24 resilience and you have been able to come not only forward and
25 succeed through the variety of placements that you have, but

1 your determination to go forward and be a part of the solution.
2 I can tell you in being a juvenile judge and working in this
3 arena for most of my career that it's those people who have had
4 those experiences and never ever forget that most of the people
5 doing nonprofit work in this field have family or have
6 experiences that are real-life experiences such as yours that
7 make a commitment to this work more than just a job.

8 So I see that as your future, as making a difference,
9 and I hope you will stay in Oregon and continue to make the
10 difference you're making.

11 So, please, would you tell me what you've done to be
12 prepared for this next step in your life. When you finished
13 and you were discharged from supervision from the State of
14 Oregon, you were out of DHS's care, tell me what you did after
15 that.

16 MS. ROGERS: I played with Legos, I flew a kite for
17 the first time, I got my, like, first stuffed animal. I had my
18 first Christmas tree. I enjoyed family vacations. I traveled
19 across the country many times. I've been to every beautiful
20 place I feel this country has to offer. I went to college.

21 THE COURT: Where did you go to college?

22 MS. ROGERS: Linn-Benton Community, and I also
23 studied at Western Oregon. And I enjoyed my time there. I was
24 involved in clubs. I was the vice president of the Civil
25 Discourse Club for a great amount of time, and I learned how

1 to -- I actually hosted a debate between Ron Wyden and -- oh, I
2 can't -- I'm blanking the name right now. But I thrived. I
3 went out, I touched grass, I went hiking, I learned how to
4 kayak, I experienced life. I did a lot of therapy. I did a
5 lot of EMDR, I did electroshock therapy.

6 THE COURT: Stop. For purposes of the audience and
7 the record, describe the EMDR.

8 MS. ROGERS: EMDR is --

9 MS. COOPER: Electromagnetic something.

10 MS. ROGERS: Yeah. They would use electric paddles
11 on my hands and sometimes here (indicating), and it would
12 vibrate to stimulate right-left brain to help me move traumatic
13 memories from my past and re -- it's really -- it's just
14 cognitive dissonance really, but it's recreating where this
15 really negative thing happened, I'm going to create a positive
16 memory of this, and now I'm going to let that negative go. And
17 when this negative thing comes, I'm going to allow it to come
18 and I'm going to feel it and then just let it go. That's the
19 only way I -- I've lived to see a lot of my peers that didn't
20 get access to that therapy and they didn't get that. Darcy was
21 really willing to give up her career to be a home. They didn't
22 get that. They completed suicide or they're self-harming with
23 drugs and alcohol and they're dependent on abusive
24 relationships. And I'm very fortunate that I did not have that
25 outcome yet, but you never know. Anything can happen.

1 And our young people are being failed. As a matter
2 of fact, there were three young people who wanted to come today
3 who were under the age of 18, but out of fear of retaliation in
4 their cases and what their outcomes would be if they told on
5 the things they felt were going on in their cases, they did not
6 want to testify. They were scared to even anonymously have
7 their cases talked about, because key identifying factors could
8 give them away.

9 And that -- that is why on that Saturday call, no
10 young people were talking. That is why -- that is why there is
11 a lack of youth presence, because when I go out in the
12 community and I talk to my peers, they want to be involved in
13 this but without retaliation.

14 And so I appreciate -- I appreciate you letting me
15 share everything I have.

16 THE COURT: Well, a number of things. I've been
17 doing this work again a long time and I've had many, many cases
18 with victims of sexual or child abuse and neglect in a criminal
19 context. And what I want to tell you, I'm going to tell you
20 something I tell them in every single case.

21 Number one, there is the book, "The Body Keeps the
22 Score," trauma informed -- we don't do that well enough in
23 Oregon at all. People don't understand. That's why I asked
24 you to explain the therapy. I understand it's so limited in
25 terms of its availability, and so powerful.

1 "The Body Keeps the Score," and the Center for Law,
2 Brain & Behavior at Harvard, which I've had the incredible
3 fortune to be a part of and hoped at some point Oregon might
4 replicate a West Coast version of it, because Dr. Posner, one
5 of the leading experts in neuroscience, happens to live at the
6 University of Oregon and is a renowned scholar here. But
7 there's never been really any interest in looking at the
8 brain-law-behavior nexus.

9 Number two, what I think is a really powerful book is
10 "What Happened to You," which is the book between Dr. Bruce
11 Perry and Oprah Winfrey.

12 And, again, the role you will have going forward is
13 both professional and just being a person and getting people to
14 start reading and seeing themselves in those books. I can tell
15 you I hand those books out in the criminal justice context, and
16 it's shocking how people start to see why they're the way they
17 are, because it all stems from how they were handled as
18 children. So those are very powerful tools as you move on in
19 your professional career.

20 The third thing I would tell you is -- So how far did
21 you get at -- with your degree?

22 MS. ROGERS: I finished.

23 THE COURT: So you have an undergraduate degree?

24 MS. ROGERS: A bachelor's, yes.

25 THE COURT: So I would encourage you to be a -- find

1 a way to work your way into the Ballmer Center through the
2 University of Oregon. Their new program, they're going to
3 train paraprofessionals who are cross-trained both in
4 children's work, behavioral work, and social work, so that you
5 can be one of the first graduating class of professionals in
6 Oregon. We are so understaffed for the needs, the
7 sophisticated needs of workers, that I would suggest that the
8 leading role that you had here sure makes you a strong
9 candidate, and I'm sure your counsel and many others, including
10 me, would be happy to write a letter for your recommendation.

11 I'm aware of how hard it is for people to come up and
12 talk against a system. I'm aware how many lawyers don't want
13 to tell the truth to the bench to make us do better work, to
14 say, "This is what's really going on," and have a way of
15 obfuscating information. But unless the State of Oregon
16 decides to take it seriously and truly listen with transparency
17 to people like you, and people like you have the courage and
18 the willingness to stand up for not only yourself but for a
19 host of people who are behind you who are not that able to --
20 they cannot be that vulnerable, this will fail, this system
21 will fail.

22 I like people who speak truth to power. I like
23 people who are able to articulate what happened and why, and
24 why and how they survived, so that we can do things better.
25 And I do not have any use for sycophants who are just going to

1 tell me what they think I want to hear, because that's not
2 helpful. And this case took way too long to get to a place
3 where we can start to make a difference, and we haven't
4 started.

5 So I don't know how to say any stronger how much I
6 admire your tenacity to come here and say what you had to say,
7 but more importantly, what a tremendous accomplishment to
8 succeed to the extent you've succeeded over those hurdles.
9 Just the tip of the iceberg of your story -- I can tell you I
10 understand how hard it was -- not to the depths of what you've
11 experienced, but I want you to know I hear you, I see you, and
12 no one under the State's care should have gone through what you
13 went through. And my hope is that your role today means that
14 some other young girl at 14 is not subjected to what you were
15 subjected to. That's a legacy for you, and I hope today you
16 feel that you've made a difference, because you have.

17 MS. ROGERS: Thank you.

18 THE COURT: You're welcome.

19 Next?

20 MS. COOPER: Are there other young people in the
21 audience who'd like to speak?

22 MS. ERICKSON: Yes, Your Honor, I would like to
23 speak.

24 THE COURT: I can't see. Who has the microphone?

25 MS. ERICKSON: I'm on Zoom. I'm not on video,

1 though.

2 THE COURTROOM DEPUTY: Someone is on the phone.

3 THE COURT: I didn't have any introductions of
4 anybody on the phone.

5 MS. ERICKSON: Oh, I'm on the court hearing link.
6 Like, I went through --

7 THE COURT: There are two men on Zoom, so I don't see
8 you on Zoom.

9 THE COURTROOM DEPUTY: Her video is off.

10 THE COURT: There's a blank space. Someone is coming
11 up.

12 Okay. Is your name Julianna?

13 MS. ERICKSON: Yes. My name is Julianna Erickson and
14 I'm just in the office. And I would love to speak on some
15 things I went through while being in the care of DHS.

16 THE COURT: I'm happy to hear you. I think they had
17 somebody else, because the lawyers are kind of calling
18 witnesses. I'm actually going to turn to the lawyers.

19 MS. COOPER: If Julianna wants to proceed, yes. Then
20 Rain is with her mother, and she would like to speak next.

21 THE COURT: So, Julianna, I am happy to hear from
22 you. And it was probably one of the most interesting
23 technological moments, having you speaking and having no idea
24 where you were. Thank you for the bit of humor.

25 MS. ERICKSON: Good morning, Your Honor.

1 THE COURT: So you've now turned your video off,
2 correct?

3 MS. ERICKSON: Yeah. I have -- all my stuff is in my
4 notes, so I have to read it.

5 THE COURT: I understand.

6 So here's what I'm going to tell you, because it's --
7 I'm having trouble hearing you, and I'm right on the bench. So
8 I want you to lean into your microphone. You don't have to
9 have the camera on. That's not the problem. I just want to
10 have you start and enunciate, speak into the microphone, speak
11 slowly. People read faster than they can speak, generally.
12 And I'm happy to hear anything you wish to tell me.

13 MS. ERICKSON: Good morning, Your Honor. I'm
14 Julianna Erickson, and I was in foster care for the last four
15 years in my life. I've currently out of the system due to me
16 and my lawyer's efforts, not DHS. I found myself a good
17 guardian and --

18 THE COURT: Wait, wait, wait, wait. The court
19 reporter is already giving me a look. So I'm going to suggest
20 you start over. You immediately started speaking rapidly.

21 MS. ERICKSON: My adrenaline is going crazy right
22 now. I'm sorry.

23 THE COURT: Look it, if I can have you just take a
24 big deep breath. This room, these proceedings are
25 overwhelming. The only thing I can tell you is you are safe to

1 tell me anything you want to tell me. Just make sure I can
2 take it down as part of the record. Okay?

3 MS. ERICKSON: Okay. Good morning, Your Honor. I'm
4 Julianna Erickson, and I was in foster care for the last four
5 years.

6 THE COURT: Okay. Stop. You're starting to cry, and
7 that's not going to help either.

8 MS. ERICKSON: Yeah.

9 THE COURT: So do you have a bottle of water, glass
10 of water with you?

11 MS. ERICKSON: Yeah, I do.

12 THE COURT: All right. Take a big glass of water and
13 take a big deep breath.

14 MS. ERICKSON: Okay. Good morning, Your Honor. I'm
15 Julianna Erickson, and I was in foster care for the last four
16 years of my life. I'm finally out of the systems due to me and
17 my lawyer's effort, not DHS. I found myself a good guardian
18 that I now call mom and love with my whole heart, but when I
19 say I went through hell to get to where I am now, I did.

20 THE COURT: All right. Stop. I finally have a good
21 guardian. Start there.

22 MS. ERICKSON: I finally found myself a good guardian
23 that I now call mom and love with my whole heart, but when I
24 say I went through hell to get to where I am now, I did, due to
25 my parents' drug issues. Yes, I think DHS is a great thing and

1 helps many kids, but what they never bring up is the horrors of
2 some --

3 THE COURT: Okay. Mom and dad had drug and alcohol
4 issues. Start there.

5 MS. ERICKSON: Okay. Yes. I think DHS is a great
6 thing and helps many kids, but what they never bring up is the
7 horrors of some cases in the system. There are thousands of
8 kids in foster care that are poorly treated, mentally abused,
9 and sexually abused. This issue needs to be addressed, not
10 ignored.

11 I have been in two foster homes where I was mentally
12 abused.

13 THE COURT: Stop, stop, stop, stop, stop. "I have
14 been in two foster homes" --

15 MS. ERICKSON: -- where I was mentally abused.

16 THE COURT: -- "where I was mentally abused." Did I
17 get that right?

18 MS. ERICKSON: Yes, yes.

19 THE COURT: Okay.

20 MS. ERICKSON: The first foster home that all this
21 happened to me was in St. Helens. I had to share a room with
22 the foster mom, and she was 64. She took in high-need kids
23 that paid \$500 to \$800 a night just for the money. She moved
24 me out of my own room into hers because she wanted to be able
25 to take in more kids. She would change in front of me and we

1 didn't have a bathroom door -- it was a curtain -- and I was
2 not comfortable at all with that -- at all in that home. She
3 never checked in with me to make sure it was okay with me or if
4 I felt comfortable. She just did it because it was good money.
5 She had fostered a 16-year-old girl that was a heroin user --

6 THE COURT: Stop, stop, stop, stop, stop. She just
7 did it because she took the money. Start there.

8 MS. ERICKSON: Okay. She had fostered a 16-year-old
9 girl that was a heroin user while knowing I'm very sensitive to
10 that stuff due to my parents' drug issues. She had told me I
11 had to bond with her so she'd want to stay.

12 Her first night there, I went into her room to make
13 her feel comfortable. The first thing she asked me was if I
14 had any heroin or where she could find it. And then she showed
15 me her old track marks from using. I instantly told my foster
16 mom I wasn't comfortable and I didn't want her to be -- her
17 around because of my parents' drug issues. Her exact words
18 was, "Honey, it's just for a little bit. I'm getting good
19 money." That's just the story of one high-need kid she had
20 taken.

21 She also sent me to Cali with her daughter without
22 letting DHS know so she could take in more kids. Once I
23 returned from Cali, my foster mom had a high-need kid at the
24 house, and he would masturbate when he got mad or upset. I
25 would sleep with my door locked because I wasn't comfortable.

1 This child was 14 years old. My foster mom told me he couldn't
2 live with younger kids because he would touch them. He would
3 say the most odd stuff to me, and she didn't mind. For
4 example, I was walking around the house in the morning, and of
5 course I didn't have a bra on because I just woke up, and he
6 would say, like, "Go put a bra on, whore."

7 THE COURT: Wait, wait, wait.

8 MS. COOPER: Julianna, this is Emily Cooper from
9 Disability Rights Oregon. And what you're sharing with us is
10 really powerful, and I want to make sure the court reporter
11 gets it all. And I know you just want to rush through this
12 because it's terrible. I know that, I do.

13 So just take a deep breath and know that what's
14 happening in this courtroom is there is a woman who has a
15 typewriter in front of her, and she's typing down as you speak.
16 So the reason the Court has asked you to slow down is so she
17 can type every single powerful word you're saying right.

18 MS. ERICKSON: Okay. What was the last thing that
19 she was able to get?

20 MS. COOPER: I believe he asked you to put on a bra
21 and called you a whore. Okay? This is hard to do and it feels
22 weird, but talk like you're in a big pool of molasses. Talk
23 super, super slow. Okay?

24 MS. ERICKSON: Okay.

25 MS. COOPER: Go for it.

1 MS. ERICKSON: The day I moved out, she had picked me
2 up from volleyball practice, and the first thing that the kid
3 said to me when I got in the car was, "You should kill
4 yourself." I called my grandpa bawling and said I needed to
5 leave. And I talked to my lawyer, and he got me out of there
6 so fast. It wasn't DHS, it was my lawyer.

7 My second experience with an unfit foster parent was
8 in Rainier. The foster dad was a very bad alcoholic. He had
9 three biological kids. I witnessed him scream and yell at his
10 own kids and just completely tear them apart. I watched him
11 hit his daughter, lock her outside the house. That's how my
12 bio parents were, and it was terrifying me.

13 It didn't start happening to me until about three
14 months living there, and then it started happening to me. I
15 had to get out. He was acting just like my biological mom, and
16 I was physically petrified.

17 THE COURT: When you get excited, you start to speed
18 up. So you just did that.

19 MS. ERICKSON: Okay.

20 THE COURT: So go back a couple of sentences and just
21 repeat them, please.

22 MS. ERICKSON: Okay. And that's how my bio parents
23 were, and it was terrifying me. It didn't start happening to
24 me until about three months living there, and then it started
25 happening to me. I had to get out. He was acting just like my

1 biological mom, and I was physically petrified.

2 There was so much more I could share, but I want to
3 touch base on some other flaws in the system. But I do want
4 something to change about certifying foster parents. There are
5 so many bad ones that outweigh the good ones. They need to
6 thoroughly evaluate the home, not just one or two
7 walk-throughs. I have even seen cases where the caseworker is
8 aware that it's not a good home but lets them stay because they
9 don't have anywhere to put the children, which is ridiculous.
10 A kid shouldn't have to suffer because DHS doesn't want to do
11 their job of protecting children in need.

12 My little brother went through the exact thing, the
13 same exact thing. He had been living with these two guys and
14 they seemed like this perfectly fine happy family. Come to
15 find out they were physically abusing my little brother and
16 other boys in the house.

17 My foster mom now, Amy Mistolla (ph), I told my
18 foster mom, and she worked so hard to get him out of there, and
19 she finally did. But the two other boys were still in that
20 home. And Paul, my lawyer Paul Aubrey ended up getting
21 certified so he could get them out of the horrible home.

22 The other thing I want to address is the caseworkers.
23 I've had four different caseworkers in the four years that I
24 was in foster care. Only one of them did their job right, and
25 that was Rebecca Cheney (ph). The others were very

1 unprofessional. Steven, my most recent caseworker, would come
2 over and talk about himself or about what he did that day,
3 never asked if I was okay or if I needed anything. He would do
4 home visits when I wasn't even home because he needed to mark
5 one down. He didn't know anything about my case. He couldn't
6 answer any of my questions about my case. If I needed to know
7 something, I would have to reach out to my lawyer, Paul Aubrey.

8 I wouldn't be out of the system if it wasn't for my
9 lawyer, Paul Aubrey. He is the most outstanding guy I've ever
10 met. He works for the children, not the money. He has done
11 more for me in the past four years than DHS has ever done. I
12 think what he's doing is so amazing.

13 And I agree that DHS is so flawed and it needs to be
14 fixed and safe for the children.

15 Thank you, Your Honor. That's all I have to say.

16 THE COURT: Julianna, can I ask you some questions?

17 MS. ERICKSON: Yeah.

18 THE COURT: Take a deep breath.

19 So you're no longer under the jurisdiction of DHS; is
20 that correct?

21 MS. ERICKSON: Yes. Amy Mistolla has legal
22 guardianship of me.

23 THE COURT: And so tell me what you're doing now.

24 MS. ERICKSON: I just -- what do you mean, like what
25 I'm doing now?

1 THE COURT: If you're out of the system, you're over
2 18, correct?

3 MS. ERICKSON: No, I'm not over 18. I'm only 17.

4 THE COURT: You're 17. All right. Tell me -- you
5 have a guardian and you consider her your mom, right?

6 MS. ERICKSON: Yes, yes.

7 THE COURT: So tell me what you do during the day.
8 Tell me the things -- are you in school?

9 MS. ERICKSON: Yes. I'm in school right now, and I
10 am taking college classes. I'm going to be -- I'm a senior in
11 high school and going into college as a sophomore because I
12 have all my pre-reqs done and out of the way.

13 I play varsity volleyball, and ever since I moved in
14 with Amy, she put me in club. And she has done so much for me.

15 But what I want to point out is that DHS didn't find
16 that foster parent for me. I reached out to her at the school
17 I was going to because I needed help. I was going through so
18 much and I had no one there for me, and so I would just go to
19 the library and I would talk to her about everything, and then
20 finally she goes, "Just come live with me."

21 THE COURT: Let me stop you a minute. So if I heard
22 you correctly, you said you got connected with your now
23 guardian through the school; is that correct?

24 MS. ERICKSON: Yes, not DHS. I was currently -- when
25 I was going to school here, I was living with my best friend

1 Stormy. They just emergency certified her mom, and I was
2 living there. I didn't have my own room. I was just sleeping
3 on the couch. And I would come to school bawling. And Amy was
4 the librarian, and she would just talk to me. And then finally
5 she just was, like, "Come move in with me." She goes, "I've
6 adopted two children. I'm not certified anymore, but I will
7 get certified for you."

8 I was, like, okay, and I moved in. And I told her I
9 was concerned about my brother, because he was telling me stuff
10 that I didn't think was right and that shouldn't have been
11 happening at the home. And I told her, and she instantly --
12 instantly reached out to DHS. And Rebecca didn't want her to
13 take Jordan for a little bit, but then Jordan spoke up and
14 said, "No, they're hitting the kids. I want to go live with my
15 sister." And so that day Rebecca came and dropped off Jordan,
16 and Jordan came and lived with me. Jordan wanted to be with
17 me. My own biological brother wouldn't be with me if it wasn't
18 for Amy Mistolla. DHS had nothing to do with it.

19 THE COURT: So are you finishing high school and
20 getting credits towards college? Did I understand that right?

21 MS. ERICKSON: Yes, I am.

22 THE COURT: And tell me what happened.

23 MS. ERICKSON: Go ahead.

24 THE COURT: And will you finish this school year?
25 You're starting school -- you're in school, I suspect, now.

1 MS. ERICKSON: Yes.

2 THE COURT: And you'll graduate next June; is that
3 correct?

4 MS. ERICKSON: Yes, that is correct.

5 THE COURT: Can you tell me where you go to school?

6 MS. ERICKSON: I go to school at Clatskanie Middle
7 High School.

8 THE COURT: And your guardian still teaches -- or
9 does she still work in the library?

10 MS. ERICKSON: Yes. She is the librarian.

11 THE COURT: What do you hope to do when you finish
12 high school? What do you hope to pursue in college?

13 MS. ERICKSON: I want to double -- I want to go to
14 Western Oregon University, and I want to study psychology so I
15 can help children that went through similar stuff like me,
16 and -- yeah, I don't know. That's -- I want to be a therapist.

17 THE COURT: So did you hear me speak a few minutes
18 ago to the young woman who led this hearing off?

19 MS. ERICKSON: A little bit, yeah. I was still
20 trying to gather myself, trying to figure out --

21 THE COURT: Well, like I could only imagine that you
22 were in a position where just trying to gather your strength to
23 do this was all that you could focus on, but I'm going to tell
24 you what I told her. The University of Oregon is creating the
25 Ballmer Center. It's still underway. It has not initiated its

1 first class. Getting your degree in psychology and then
2 looking towards developing additional skills through that
3 Ballmer program would be ideal. And exactly one of the reasons
4 they've established that program is to address the deficit of
5 resources for kids with mental health and family circumstances
6 that put them at risk of abuse and neglect or in homes that are
7 not adequate to address their needs. So that is a big step on
8 behalf of very generous benefactor of the University of Oregon,
9 which I'm aware, because it was mentioned earlier, Senator
10 Wyden hopes to turn into one of the premier programs in the
11 country.

12 Again, if you follow or do any work in this field, we
13 are desperately in need of additional resources in using
14 evidence-based practices wherever possible, and to turn the
15 system from less than adequate to gold standard. Oregon should
16 be capable of doing that.

17 MS. ERICKSON: And I think we can.

18 THE COURT: You know your role today is courageous,
19 important. You're -- you've been heard. I've read everything
20 that's been presented, which is important, but we don't have
21 news much anymore. We don't have very many news outlets that
22 have the chance to do investigative and in-depth work, and
23 those that do, I can't tell you how much they mean to a system
24 that needs to have transparency, oversight, and information
25 shared so that people can make better informed decisions about

1 resources.

2 And, again, having spent my career in the system,
3 generally, every judge, I'm confident, that's worked in this
4 arena would say the money needs to be spent at the front end
5 with children who are at risk of abuse and neglect so we stop
6 the pipeline from child abuse and neglect to the prison.

7 And if you have had the privilege, as I have, to
8 serve as the reentry court judge for 18-plus years, and you
9 hear the stories that start and go back to situations that both
10 of you have already described, and now these gentlemen are --
11 and women are taking a prison bed at the cost of more than a
12 college year's tuition on a regular basis, and we are funding
13 the wrong end of the system.

14 It takes courage. It takes more than just trying to
15 check the box and meet a settlement agreement. It takes real
16 courage to change the system to say we want the best outcomes.
17 We don't just want to get graded that we're not failing.

18 MS. ERICKSON: Yes.

19 THE COURT: So I'm hoping you will be part of a
20 serious listening tour, where people who are in the system have
21 the courage to speak up and give ideas to where better
22 resources might be spent or where systems can be bolstered or
23 where systems are -- there's a check and balance of whether the
24 work is actually getting done and you're being seen or the
25 notes are adequate or the problems are really addressed.

1 So through the use of technology, which has advanced
2 long, long, long ahead of where we are today, and our ability
3 to use those resources, I'm hoping Oregon decides to be a
4 leader and maybe can play catch-up with the likes of Oklahoma,
5 Michigan, New Jersey, and states that have really put the kind
6 of effort into making those changes.

7 MS. ERICKSON: Yes.

8 THE COURT: I hope you will stay involved, and I hope
9 you will know that your efforts today will help other children,
10 and there isn't a better legacy of what you've been through
11 that you can -- yes, you're going to -- this is a part of your
12 story, it's a part of who you are, your journey, but unlike a
13 lot of kids who sit with this as a very difficult experience
14 and hope people never find out what they went through, you
15 shared it so that other people may not have that experience.

16 MS. ERICKSON: Yeah. I just don't want other kids to
17 go through it.

18 THE COURT: Absolutely. Thank you.

19 MS. ERICKSON: Thank you, Your Honor.

20 THE COURT: And thank your guardian, because I don't
21 think teachers and people who work in the school systems get
22 enough credit for the roles that they play. Sometimes they're
23 not often listened to. So --

24 MS. ERICKSON: Yeah. She saved me. She has really
25 saved me.

1 THE COURT: Thank you.

2 MS. ERICKSON: Thank you. Thank you, Your Honor.

3 THE COURT: Call your next.

4 MS. COOPER: Yes, Your Honor. I'd like to call next
5 Ms. Rain Parrish. She'd like to sit next to her mom and use
6 the microphone.

7 THE COURT: That would be fine. Where do you want
8 her to sit?

9 MS. CROOKS: She'd actually like to sit where Emily
10 is.

11 THE COURT: You guys can sit on that back bench for a
12 few minutes.

13 MS. CROOKS: She told me to sit back here.

14 Have you changed your mind?

15 MS. PARRISH: Yeah.

16 THE COURT: Good morning.

17 First of all, I want to thank you for the letter, the
18 very, very well-written, very thoughtful, painful letter to
19 read. I read it and I -- you have a -- I suspect you might
20 have a little help editing that letter. And your mom is saying
21 no.

22 MS. PARRISH: I had a little bit of help from my mom,
23 but she mostly just made sure I wasn't repeating words too many
24 times, and helping me make sure of all my information was as
25 accurate as physically possible.

1 THE COURT: I can tell you a read a lot, and it was
2 really a wonderful piece, to know you can write that well. You
3 have a talent and I hope you'll pursue it.

4 MS. PARRISH: Thank you. It actually comes from my
5 love of reading.

6 THE COURT: I'm sorry?

7 MS. PARRISH: My writing comes more from my love of
8 reading and poetry than it does schooling.

9 THE COURT: I've often found that people who are good
10 writers are people who start out with a love of reading, and I
11 understand that that's really -- communication is really all
12 about sharing those experiences and knowing -- actually
13 understanding experiences and then able to write and share
14 about them. So that's a talent.

15 MS. PARRISH: Thank you.

16 THE COURT: So here's what -- you might move -- I
17 just want to have you closest to the mic, and you've got that
18 support right in front of you.

19 MS. PARRISH: Is this okay?

20 THE COURT: You're going to be uncomfortable.

21 MS. PARRISH: This is just fine for me. I'm not
22 uncomfortable.

23 THE COURT: Will the microphone not pull any farther
24 or closer to you?

25 MS. PARRISH: There we go.

1 THE COURT: That's all. I wanted to make sure that I
2 could hear you.

3 MS. PARRISH: That's helpful. I don't have to try to
4 project.

5 So my name is Rain Parrish, and I have been in the
6 system since I was four and a half years old. My mother is a
7 narcissistic sociopath or psychopath, and she used to lock me
8 in a room with my two younger siblings at the time, and we'd
9 get a box of cereal, and that was all the food we'd get. My
10 father was abusive and cruel and he was a very bad man, and we
11 were taken away from them.

12 When we were taken into the system, though, things
13 did not get better like they were supposed to. I had 25
14 different placements, and those were therapeutic foster homes.
15 I spent -- I spent, at a minimum, five years in lockdown
16 psychiatric hospital placements, often going for multiple years
17 at a row. In fact, I spent three and half years at Perry
18 Center, was in the Trillium Family Services, and I got out at
19 about 12 years old. So most of my youth and childhood was
20 spent being bounced around, being locked in places. I was one
21 of the kids with the highest number on their head in the
22 Multnomah County.

23 THE COURT: Tell me -- say that again because I want
24 to know what that means.

25 MS. PARRISH: My care, a foster parent taking care of

1 me would get paid \$2,216 a month for my care. However, my
2 homes treated me as a ministry. In fact, more often than not,
3 I was the whole entire foster ministry in churches. I was
4 placed in a multitude of hyper-religious homes that on the
5 outside looked like, oh, perfect -- picture perfect people, but
6 behind closed doors, they would neglect me, they would ignore
7 me. I was sent to conversion camp twice. I was treated as
8 nothing more than a paycheck and a library book.

9 I endured quite a bit of having food withheld or not
10 being fed or being shamed for eating, how much, how I was
11 eating, when I ate. I have what's called disorder eating now,
12 and I'm in therapy for it, and I have been in therapy almost as
13 long as I can remember.

14 I've had behavioral issues from a very young age. I
15 was a spitfire and I was aggressive, and I was severely
16 traumatized. I'd had my two siblings pretty much promptly
17 taken away, and then a third little sibling popped up, and I
18 never got to bond with them. And I loved them like -- I loved
19 them. When I was with my mother still, I was the one who spent
20 all her days protecting them from everything else, taking the
21 brunt of it.

22 And DHS just took them from me. The last time I saw
23 them, I was eight years old. They adopted them out, I think,
24 when I was ten to a state -- out-of-state home that did not
25 want them to know me. They did not want them to know anything

1 about where they came from or their big sister, and they got
2 what they wanted. I have had no contact with them. I have no
3 idea how they're doing. My siblings were stolen from me, all
4 three of them.

5 Throughout the years I was unable to learn a lot of
6 the life skills that in a stable home your parents would
7 ideally teach you: How to take care of yourself, how to do
8 proper schooling. I didn't learn to read until, like, fourth
9 grade, how to -- how to be a female, how to shave your legs and
10 take care of your body, how to hold and handle proper
11 friendships and relationships, how to survive in the world, how
12 to be an adult. The system didn't teach me any of this. It
13 didn't teach me how to budget. It didn't teach me how to pay
14 bills. It didn't teach me how I'm going to find insurance when
15 that runs out. All the things a mother and father should teach
16 their child, DHS did not teach us.

17 While I was in the system, I had been placed in so
18 many religious homes, and conservative homes seem to have this
19 idea that anything that happens to you is God's will. It's
20 God's plan, therefore it's okay, and at the same time to be
21 ashamed of it, that you shouldn't tell anyone because it's your
22 fault, that you brought it on yourself.

23 I was molested by a foster mother at a very young
24 age. And the memory is very foggy. I was a very little girl,
25 but I know that that was how I lost my virginity. When I was

1 in Trillium Family Services, the Perry Center, I was repeatedly
2 molested and raped by an older boy on the unit. And I had been
3 taught time and time again you don't tell when people are
4 mistreating you because it's your fault.

5 DHS allowed me to be placed in these homes that
6 taught me these things. They didn't do the stop-ins
7 unannounced like they were supposed to. They always scheduled
8 them with them, which led to me having to pretend to be the
9 perfect little Christian girl, pretend to be this, pretend to
10 be that, pretend everything's okay, and it never was. It was
11 never okay. And when they were done with me, I was moved to
12 the next home like a library book.

13 I was -- I was a hard kid to handle, but I could have
14 been helped with proper therapy. I could have been helped if
15 somebody had sat me down and explained to me why I wasn't with
16 my mom and dad anymore, if somebody would have told me what was
17 happening, if somebody had taught me how to feel anything
18 properly, but instead I was put on 10 to 15 different
19 medications all in a day, at varying times of day, easily from
20 the age of around six years old. I have been medicated heavily
21 on psychiatric pills for most of my life. I -- my thyroid now
22 no longer works properly because I was placed on such a high
23 dose of lithium for such a long time, and it was really, really
24 hard.

25 None of my things were my things. I came into the

1 system with things that were precious to me, things from my
2 mom, things from my dad, from my grandma, from my pop-pop, and
3 foster parents would go, "Oh, I like this," and I would not get
4 to move with it. I wouldn't get it back. I would move to my
5 next home, and instead of having my favorite stuffie, instead
6 of having my favorite most precious blanket from my grandma, I
7 wouldn't have it because another kid, a biological child liked
8 it, and so the parents would take it. It was a repeated thing,
9 to the point where I developed somewhat of a hoarding disorder,
10 because I never knew when something of mine wasn't going to be
11 mine anymore. So I felt like I had to keep everything.

12 And I didn't know when the next move was going to be.
13 I didn't know when the next family wouldn't want me. And they
14 would always say the same thing: "Oh, we love you. This is
15 your forever home. We're going to keep you forever. We love
16 you." And then next thing I know, all my stuff is in garbage
17 bags and I'm being moved, and I don't understand. Nobody is
18 telling me these things. Nobody is teaching me.

19 I was a paycheck. I was the kid that, oh, feed the
20 bare minimum, give the bare minimum, budget about 2 to \$500 for
21 food, care, and everything, pocket the rest, sit her in front
22 of a TV, and ignore her. And that was my life, day in, day
23 out. Parents didn't interact with me, didn't teach me. Foster
24 kids bullied me and teased me. Other siblings, biological
25 usually, would bully me. I wasn't a child. I was a pet or I

1 had to be an adult from a young age.

2 The therapy I did get from a young age was
3 ineffective, and the way I would explain it is if you take a
4 piece of paper and you try to say, "Show me where you feel
5 confuddlement," without knowing what that word means. That's
6 the equivalent of what they were doing to us. That was the
7 equivalent of our therapy, was, "Oh, you feel angry? Show us
8 in your body where anger is." But they didn't tell us what
9 anger was. We didn't know what anger was. So how could we
10 tell them? We had to guess. And when we did have a chance to
11 tell that we were being abused or hurt, it was safer not to
12 tell.

13 There's a phrase, "The devil you know is better than
14 the devil you don't." In the foster system, that's not a
15 phrase, that's a day-to-day reality, because the person who is
16 withholding food from you, who is putting alarms on your doors
17 to make it so you won't leave your room to go potty, and won't
18 do anything, so you're scared all the time, the same ones that
19 maybe they yell at you and they scream at you, maybe they throw
20 things at you and they don't communicate, they don't tell you
21 anything and they just treat you like trash, they might be
22 better than the next home you're going to. And that's the
23 scary reality, is every time you choose to leave a home, the
24 next one could be twice as bad. And the good ones, they don't
25 stick around.

1 I -- while I was in high school, I got leukemia. I
2 had AOL, which is acute lymphoblastic (sic) leukemia. And that was
3 really hard. And the only good thing I can say about the
4 system is that they paid for my cancer treatments.

5 But my foster home at the time that I was in, they
6 refused to get me checked. They refused to meet my medical
7 needs. I was actually moved from that home because they
8 weren't meeting my medical needs and had almost killed me. And
9 that wasn't the first time that they did that. I'm lucky my
10 CASA at the time took me in at the time and became my mom and
11 helped me through it.

12 All of the things that have happened to me throughout
13 the years have resulted in episodes of cutting, three attempted
14 suicides, two of which I was placed in care for. It has caused
15 me to have PTSI. And if I may elaborate on that, PTSD is where
16 you can go back and say, this event caused me trauma, this
17 event caused me trauma, this event is the source of the trauma.
18 You can't say that with PTSI. PTSI is posttraumatic stress
19 intensive, and it is akin to an injury, a physical injury.
20 Psychologists says that my trauma started in utero and it never
21 ended. I had never spent a day in my life not in fight,
22 flight, freeze, or fawn. I don't know how to not be in
23 fight-or-flight mode.

24 I don't qualify for help because I was taught to
25 mask.

1 THE COURT: Because what?

2 MS. PARRISH: I was taught to mask. I can hide when
3 I'm in the middle of an episode. I can hide when I'm having
4 the absolute worst PTSD moments of my life. I could be having
5 a flashback and I could be looking at someone and they're not
6 the person talking to me anymore and nobody would ever know.
7 And so I'm unable to get a lot of those helps. And the foster
8 system, it cuts us all off at, like, 26. And the amount of
9 trauma they have caused us throughout the years, you can't
10 resolve that in that amount of time. It's not possible, it's
11 just not.

12 And then DHS has shown so many times to me in my life
13 that they just can't be held accountable. They can't. They
14 have rules for themselves that they put in place to protect
15 children that they themselves don't follow. And the rules that
16 they do follow take away any source of normalcy that we ever
17 get.

18 I didn't get to have sleepovers. I didn't get to
19 have friends over. I didn't get to go over to a friend's house
20 after school. I didn't get to have friends that were stable
21 throughout my life. Instead of having friends, I got molested.

22 THE COURT: Instead of friends --

23 MS. PARRISH: Instead of having friends, I got
24 sexually assaulted. Instead of having -- so instead of going
25 over to my friend's house for Christmas, I got to watch

1 everyone else, everyone else have their family talk about what
2 they're going to do, all the while knowing what I was going
3 back to. I was nothing. I was the ministry. I was the
4 charity child.

5 And I am -- I'm here because I'm so tired of not
6 having my story told. I'm so tired of people looking at these
7 religious foster parents, these Christian homes, these people
8 that come off as these perfect saints, when all they're doing
9 is indoctrinating and hurting us, and we can't say anything
10 about it because they look so perfect on paper, and they're so
11 good at putting on that face that it's like in public and in
12 front of people, we don't even know them. They're someone
13 totally different and we're just helpless.

14 I have a scar on my hand in the shape of a star from
15 the conversion camp that my last religious foster home sent me
16 to. I had been trying to use the coping skills my therapist
17 had given me, you know: draw, check out, take a deep breath,
18 fidget, fiddle. You know, the things that a normal child does
19 when they're anxious or upset.

20 The pastor was on the stage shaming and bashing me in
21 front of the entire camp.

22 THE COURT: For what?

23 MS. PARRISH: For liking paranormal books, for liking
24 what I read, for not being absolutely perfect Christian, for
25 not reading the Bible three times through all day, for reading

1 Jane Austen. I got in trouble for reading "The Count of Monte
2 Cristo." I got a talking to and in trouble because I read "The
3 Scarlet Letter" at this conversion camp. And --

4 THE COURT: How did you get to the conversion camp?

5 MS. PARRISH: My foster parents got the State to pay
6 for it.

7 THE COURT: They got the State to pay for it?

8 MS. PARRISH: They got the State to pay for it.

9 THE COURT: What were they converting you to or from?

10 MS. PARRISH: Baptist. It was a Baptist camp. I am
11 a bi-curious youth, and they don't accept that kind of stuff,
12 and they didn't want me reading what I was reading. They
13 didn't want me worldly, and worldly is anything from wearing
14 leggings to reading anything but the Bible to holding hands
15 with somebody else. It doesn't matter the gender.

16 And they got the State to pay for it. In fact, I was
17 only ever really in that home during the summertime to sleep
18 maybe every other weekend because they got the State to pay for
19 camps again and again and again and again. And I was
20 constantly overstimulated, constantly on the verge of tears,
21 and I couldn't act out because the fear of acting out, the fear
22 of their response was so bad that I shut down and I went
23 through the motions.

24 When I got that scar, that camp didn't do anything.
25 It got so infected from making me swim through the lake water

1 that when the nurse there saw it who wasn't Christian, she
2 flipped out. She had to drain the infection and wrap my hand.

3 When I went home to that family, that family that DHS
4 took me from and then put another child into, all they said
5 was, "Why do you have a pentagram on your hand?" It's just a
6 star. It's nothing like a pentagram. It is literally just a
7 star.

8 And I said that "It's a star." I drew a wishing star
9 on my hand because I wanted out. I wished I was anywhere but
10 there.

11 I spent the next two months rewrapping it with the
12 exact same materials, the exact same gauze, dirty gauze, over
13 and over again because they refused to take me in to get help.
14 They refused to clean it, they refused to help me. And that
15 was normal.

16 I have a broken foot right now and I've been walking
17 on it for the past few days because I myself have been taught
18 to basically just ignore my pain until it's so bad I can't.
19 And I don't know how to unlearn that.

20 I don't know how to find my siblings ever again. I
21 lost contact with my papa through the system because of the
22 system. My papa was my favorite person. He was a mischievous,
23 hilariously chaotic old man, and I loved him. He was my best
24 friend. And I had contact with him up until like the age of
25 seven. And then when I moved, I didn't get to move with his

1 number.

2 I got him back partly through my cancer treatments,
3 and I got to go visit him because my current foster mom, who is
4 awesome, took me. And then shortly after, he died. I lost out
5 on so many years of having him because the system couldn't keep
6 track of a single number.

7 I'm never going to get that time back. I'm never
8 going to get to watch my siblings grow up again. I'm never
9 going to have the body I want because I never was able to learn
10 how to even eat properly, and those are skills that once
11 they're ingrained, they're ingrained.

12 THE COURT: I'm going to interrupt you and say I
13 totally disagree with that, and I have many, many, many
14 examples of that and opportunities, and it's really just
15 finding the right combination of therapies and programs that
16 can help you do that. And I would tell you just don't quit on
17 yourself.

18 MS. PARRISH: I'm trying not to, but it's really
19 hard. I mean, I was type -- I was pre-diabetic at like eight
20 years old.

21 THE COURT: I can remember a woman I worked with at
22 juvenile on her own, a caseworker who had complicated issues.
23 People who go into these fields have similar issues. And I
24 literally watched -- she was scared to death to be on diabetic
25 medication and what that meant. And she just decided she was

1 going to change her life. And she became dogged, just a dogged
2 person on a treadmill and learning to eat correctly. And just
3 those two things, the level of pride she had in her ability
4 to -- and it's about control, to take back control of her life
5 and to put herself in that position, it just made her the more
6 powerful when she met with kids -- and you're a kid that really
7 felt life was way beyond them and couldn't reach and have those
8 parts of their life they would like to be different.

9 MS. PARRISH: Don't give up.

10 THE COURT: Take that out of your head. It's just a
11 question of figuring out -- when it's time and priority, you'll
12 make that decision. I'm hoping to some extent your ability to
13 share the information you've shared is part of that process of
14 shedding, providing that information to other people to start
15 dealing with the trauma.

16 I'm aware, I understand exactly. "The Body Keeps a
17 Score" talks a lot about how other -- how various people
18 maintain trauma in their bodies, and it always comes out. I
19 don't care who you are. The trauma will always come out.

20 MS. PARRISH: It will find you.

21 THE COURT: It will find you. And it happens -- I
22 don't care if somebody is the richest person with a childhood
23 they tried to hide, it will come out, it just does, because the
24 body cannot just finally handle it in some way and it's
25 triggered.

1 I think the work done out of the Boston Hospital with
2 30 years' worth of children that were studied is just the
3 beginning, the tip of the iceberg. And in Oregon, we were very
4 lucky for a long time to have Dr. Alisha Moreland-Capuia, who
5 was running the center through OHSU. She was here but Harvard
6 stole her from Oregon.

7 There's some tremendous expertise out there to start
8 doing the work that Harvard has been doing for some time, and
9 people who understand the trauma-informed care. Multnomah
10 County at one point trained their probation officers on
11 trauma-informed care. It would be -- it would be a baseline
12 for every DHS worker to be trained in multiple levels of
13 trauma-informed care.

14 MS. PARRISH: I think the foster parents need it,
15 too.

16 THE COURT: I couldn't agree more. But I want you to
17 know one of the things that is impressive about you today is
18 you have an incredible recollection of these circumstances.
19 And then, of course, as I noted earlier, your incredible
20 ability to write. You need to tell your story. It needs to be
21 written as a place for, frankly, DHS workers to teach from,
22 what not to do, how to look at what happens when these things
23 take place, what to look for, what signs to look for.

24 MS. PARRISH: Some day I would like to be the person
25 actually speaking to them and telling them, these are the red

1 flags, these are the things you look for, these are the things
2 that you want in a parent. These are the things that -- these
3 are the people that you want to build relationships with and
4 help. I want to be the one telling them. I don't want my book
5 being the one doing it, because if I have a book, my words can
6 be twisted and used, but if I'm the one saying it, it's so much
7 more powerful to hear it said.

8 THE COURT: I couldn't agree more. I'm just trying
9 to plant some seeds for people moving forward. The way things
10 are -- and this is not new information to me. As the juvenile
11 judge in '95, these are stories I heard in '95. They are not
12 new stories. And things have to change. And I think you can
13 be a lightning rod, and what the system should always ask for
14 is to have feedback from the people it is serving. I have --
15 every organization I've been involved in, we learn from the
16 people we're serving. We are not the experts. We have
17 knowledge and we have experience, but the experts are the
18 people who are living in that world and who need to come
19 forward, and from -- without fear of retribution talk about
20 what's happening.

21 MS. PARRISH: That's why I'm here.

22 THE COURT: I know that's why you're here. And I'm
23 trying hard, because a lot of people can just sit and not
24 listen and sit and not hear and sit and check a box and not
25 understand that what you're telling them is gold.

1 And why I say there are books that matter, I mean,
2 one of the things I'll tell you I've spent my career doing is
3 reading why some people survive, books on resilience,
4 biographies, major players in the world in whatever -- theater,
5 politics, government, academics -- there are people who have
6 overcome unbelievable odds because they have a commitment and a
7 purpose and meaning. And one of the books -- why I suggest you
8 write a book is because one of the books that held me, gripped
9 me, was Viola Davis. You want to talk about survival and
10 resilience and what she's giving back now. Because that's what
11 it's about: getting you to a position, you and Whitney, to be
12 able -- and our earlier speaker, I'm going to apologize for
13 missing it -- Julianna, is talking about what resilience means
14 when you've nearly been crushed, and what that can do to help
15 the system. They should be begging you to be part of a design
16 team to take a look at what are the -- what needs to be in
17 place to be designed so that Oregon again isn't just inadequate
18 but it's the gold standard. Anything less than the gold
19 standard is not worth achieving. It's about excellence. Okay?

20 We can get there. It's going to take a lot of work.
21 And you have a way of presenting -- all three of you have a way
22 of presenting that should be heard, that could be heard, and
23 instead of fighting you with, no, no, no, I'm right, this is
24 how this works. No, no, just stop and listen. Because it's
25 clear if you listen to the three of you, your damage, it

1 pulsates. I can feel it.

2 But at the same time, you are so talented, you have
3 such a tremendous intellect, and you have such a zeal, without
4 a doubt, a zeal for life, that you need to get over this hump
5 and say that you've met your responsibility in this work,
6 because you've -- and you're going to continue to do it, but
7 now I really want you to see yourself years from now where you
8 can be, because I think you have a tremendous future. And I
9 want you to believe in yourself. And clearly you do, because
10 you're here and you've written what you've written. Clearly
11 you've survived that belief.

12 And I also want to tell you that, again, I've been in
13 positions where we've been able to reunite and figure out where
14 your siblings are, and maybe that's possible.

15 MS. PARRISH: I would like that, because they were
16 taken from me.

17 THE COURT: And, again, that's a different deal.
18 You've got people in your life that can help you. But just
19 know again -- just know again that many -- I had parents
20 bringing back their adoptive children to the court because they
21 were more difficult than they expected.

22 So the system is not perfect in lots of ways, and
23 many times your siblings may come looking for you. They may
24 know something is wrong, they may figure it out, but don't ever
25 stop looking for them because they're never going to stop

1 looking for you.

2 MS. PARRISH: There's actually more that went down
3 than what I said, things that happened in places that also are
4 not quite DHS but that DHS allowed to happen. A lot of the
5 schools I went into, they used to pin us down and put us in
6 holds. I had my shoulder dislocated once during one of these
7 holds. So yeah, they need to really work on all this.

8 But my whole point that I wanted to make here today
9 was that there are more children being out there being harmed
10 than there are children out there saying they are being harmed,
11 and that any form of trying to count -- have the numbers going
12 up or down, that's not going to work unless we make the system
13 safe enough for the kids to come out and say it. So we have to
14 figure out a way to more accurately figure this shit out.

15 THE COURT: I agree.

16 So none of the three of you really touched on the
17 settlement. And I know all of you wanted to be heard. So what
18 are your thoughts at this juncture about the settlement?

19 MS. PARRISH: My belief is that it's a start. It is
20 not a fix. It is not going to scratch the surface of what
21 needs done. It is a drop in the water of what needs done.
22 It's a good start. It's a good start, but that's all it is.
23 It's a good start, and they're going to need held accountable,
24 not by themselves but by other people, and that going forward,
25 they need to do more, not just for the foster kids in the

1 future but for the ones that they've left behind, because there
2 are those of us that are out on the streets. There are those
3 of us who are lost. I had a foster who was kicked out of her
4 foster home onto the streets because she did drugs. I have no
5 idea if she's still alive. The system needs to do better for
6 all of them, too. And be it reaching out and trying to find a
7 way to give them more resources, be it taking care of them
8 longer, be it any way they are, this settlement, it's not
9 enough. It's nowhere near enough that needs done. It's a step
10 forwards, and I would say that's all it is, is a step forwards.

11 THE COURT: Thank you.

12 Anything else you want to tell me?

13 MS. PARRISH: Thank you for letting me speak and for
14 letting me tell as much of my story as I could get out, and
15 thank you for taking us all seriously and listening to us and
16 understanding, because there is a lot of people out there who
17 they hear our stories and they think, oh, you're making it up,
18 oh, it's not true. And that's bullshit, but it's what we go
19 through all the time.

20 So thank you for actually listening to us.

21 THE COURT: Thank you.

22 I have a couple of questions. Who is with you today?

23 MS. PARRISH: She has known me since I was about 11
24 years old. She was my CASA worker after my first one died, and
25 she is now my ex-foster mother. However, I want her to adopt

1 me some day. She's my mom.

2 THE COURT: Can you tell me her name for the record?

3 MS. PARRISH: Her name is Sarah Crooks, and she is a
4 lawyer. And I love her. And we have a little dog at home
5 named Sammy, who is pudgy and the light of our life. He is a
6 little fuzz, and he is so chaotic.

7 So my mom's here with me today, my chosen mom.

8 THE COURT: I'm going to note this for the record. I
9 recognized Ms. Crooks when she was seated with you in the back,
10 but I wasn't sure I was correct. I thought I might be wrong
11 about that.

12 MS. PARRISH: Yes.

13 THE COURT: And then the more she cried, the more I
14 thought maybe it wasn't her, and then I just couldn't see her
15 very well from here.

16 Number one, I want to compliment her on being a CASA,
17 as a top professional in the world, legal world in Portland,
18 doing the kinds of work that she does, and I believe she's
19 still with Perkins Coie. She is a partner at Perkins Coie?

20 MS. PARRISH: Yes.

21 THE COURT: To be a foster parent and to stand by you
22 and take you in and spend all this time with you, that's the
23 kind of lawyering I admire and respect enormously. For her to
24 be with you here today speaks volumes.

25 MS. PARRISH: She even saw me through leukemia

1 treatments and she saw me through suicide attempt. She's why
2 I'm alive and here today and significantly happier than I have
3 been my entire life.

4 THE COURT: She's exactly the kind of people that
5 should be in person and others should be involved in this
6 process, in recreating the system. Not only is she an
7 extremely talented lawyer, she clerked for our court and
8 understands the federal system inside out. More importantly,
9 would be -- should be a major player in the solutions, because
10 she's witnessed the lengths and the difficulties that have been
11 out there. And I am grateful that she's done what she's done
12 for you personally.

13 I strongly believe in the CASA program because it
14 allows the community to take a look at what is happening in the
15 courtroom. And I begged and begged and begged as a juvenile
16 judge to have more people come in and see what doesn't exist
17 and what's happening so they could better support money and
18 policies that put the resources where we could make a huge
19 difference for people.

20 I am looking candidly and I'm appreciative, although
21 I'm going to talk about Mr. Ryan shortly. But, Mr. Ryan, I'm
22 going to strongly suggest that Ms. Crooks needs to be one of
23 those people in your listening tour that you sit down with
24 among the three very powerful women that have spoken today.

25 But thank you, Ms. Crooks, for, number one, stepping

1 up and being a CASA. That speaks volumes in terms of what
2 people understand is important in the system. And number two,
3 the really great work you've done in this instance and provided
4 support for someone who is extremely talented.

5 You know, the interesting thing that I find -- and I
6 saw it in juvenile more on the delinquency side, I would have
7 these kids sitting across from me that were wicked smart,
8 articulate, smart, crazy gifted, and they weren't in school and
9 they weren't in stable environments and they weren't in homes
10 that made sense, but they were talented. And people were not
11 listening to them, and they were under-challenged in the school
12 system or they had an issue that needed to be dealt with and
13 nobody was paying attention.

14 MS. PARRISH: We learn -- our life experiences just
15 help us learn those crafty skills. They're just not nurtured,
16 but we developed them to survive. That's how many of us get
17 that wickedly smart, that wicked ability to twist and turn and
18 survive.

19 THE COURT: But more often than not, what I learned
20 and saw was the kids would push people away first, always
21 first, because they were confident that if they attached, they
22 were going to be hurt. That's what the system has provided, so
23 kids cannot have that level of trust and a partnership or an
24 ability to have trust in longevity or attachment. The
25 attachment disorders are enormous. And they break down at

1 various levels. And so I had more kids try to push away. And
2 I'd just say, "You know, I'm real stubborn. I'm just going to
3 be here." And you have to break it in. They were not
4 accustomed to that.

5 And here you've got -- that's why again I'll call out
6 Ms. Crooks as someone who has stayed with you, because I do
7 suspect, as smart as you are, you were a handful.

8 MS. PARRISH: You can say that again. I was just
9 going to say, ask her. I tried to push her away in every way
10 possible. She's the only one who ever stayed, and that's why
11 she's my mom, is she stayed.

12 THE COURT: What's interesting is most people don't
13 understand that boundaries are about love, and honest
14 boundaries are about love. It lets people know -- like you --
15 that they're cared for because they're not going to let you
16 hurt yourself.

17 MS. PARRISH: And genuine love is felt long before
18 it's ever said. If you have to tell the kid it's their
19 permanent home, it's not their permanent home. If the kid
20 comes out and says, "This is my home, this is my permanent
21 home," then you know you've done it.

22 THE COURT: I'm -- again, this will be my
23 opportunity, is more people in the system need to read and
24 understand Brene Brown and the sociology of what she talks
25 about. It's about love and belonging. You can't feel like

1 you're loved and belonging and safe if you're in a chaos
2 system. So her teachings and her work has been uniformly
3 changing -- slowly, but changing how we do a lot of things,
4 both in this arena as well as the criminal justice arena, and
5 it's just going to take people a long time for people to
6 understand people are people, and you've got to work with
7 people. They're not just check-the-box files.

8 MS. PARRISH: Would it be okay if I said one more
9 thing?

10 THE COURT: Sure.

11 MS. PARRISH: I don't think the answer to anything
12 would be cutting funding.

13 THE COURT: Would be what?

14 MS. PARRISH: I don't think the answer to absolutely
15 anything would be cutting funding.

16 THE COURT: Don't even start with this. The system
17 is underfunded, and frankly --

18 MS. PARRISH: It needs more. It needs more funding.

19 THE COURT: It needs more funding. It needs
20 caseworkers who are trained and educated and have degrees.

21 MS. PARRISH: I had a caseworker named Lori Britton
22 (ph), and my life didn't start to turn around until she was put
23 on my case. And she really, really started to get my life
24 together.

25 THE COURT: So I would tell you --

1 MS. PARRISH: She was awesome.

2 THE COURT: You can talk about systems generally, but
3 you have to talk about the people in the systems, and you need
4 to reward the people in the systems who are doing that kind of
5 work instead of running them out.

6 MS. PARRISH: And that's what they did, they ran her
7 out.

8 THE COURT: You have to keep the people who speak
9 truth to power. You have to keep some of those people because
10 systems are -- they are dynamic and they have to change, and
11 things change and they have people come and say, this isn't
12 working or -- they should be rewarded. They should be given
13 the opportunities to make a difference, and we don't. The
14 systems are becoming so rigid in the way in which it just --
15 they're so big, they don't know how to collaborate, they don't
16 know how to work public-private partnerships, they don't know
17 how to leverage resources, and they see people as enemies, as
18 opposed to players to help.

19 And there are so many more -- the community, what
20 they don't understand is the community wants something
21 different. They want it to change. They don't want to pay for
22 prisons. They don't want to pay for psychiatric care units.
23 They want to pay for early intervention for mental health.
24 They want to pay for early intervention for drug and alcohol
25 treatment. They want to pay for parents to get help they need

1 with their families, not separated, and they want foster care
2 that's going to really truly foster children.

3 MS. PARRISH: And love them.

4 THE COURT: And love them and put their needs first
5 and understand it's not just a paycheck.

6 MS. PARRISH: Yes.

7 THE COURT: I understand all that. And I'm going to
8 remain cautiously optimistic. I consider this just a step.

9 MS. PARRISH: Thank you.

10 THE COURT: And just a step. It should have been a
11 step taken five years ago.

12 MS. PARRISH: Or longer.

13 THE COURT: Well, I couldn't agree more, but -- I can
14 tell you it came into my arena, and the first scheduling order
15 had settlement conferences in it. It should have settled five
16 years ago and spent the money on kids and families.

17 But let's just hope that we can jump start with the
18 courage that at least the three of you and others who are going
19 to testify to, that people are finally being heard. I thought
20 today was going to be important because people will actually
21 have to listen to some of the stories and understand that it's
22 not -- this is not a lawsuit per se, it is an opportunity for a
23 solution for Oregon to take on many, many issues that will lead
24 to a better economy, lead to better schools, lead to happier
25 lives, lead to safer lives, lead to safer families.

1 MS. PARRISH: Leads to a better future.

2 THE COURT: A much better future. And they should
3 see the most broadest terms, not in a -- it's not in the
4 document, lawyering.

5 So I'm hoping we're done with lawyers and we're going
6 to move on to where the system -- the people who are
7 responsible for the day-to-day workers, like the people sitting
8 on the bleachers over there, where they're doing the work, that
9 they are now working with our neutral and the successes he's
10 had in other states, and put their shoulder down and get the
11 work done that needs to be done, and we're done with lawyering.
12 Okay? Sorry. Lawyers have their role, but frankly what we
13 need right now is for the work to get done.

14 So thank you very, very much. I look forward -- I'm
15 sure -- I rarely see Ms. Crooks. I don't think I have any
16 cases with her and haven't had in a long, long time, but I do
17 know her from my work with the federal court, and I will find a
18 way to keep up on how you're doing.

19 MS. PARRISH: Yeah. I mean, with us, we're pretty
20 easy to reach out to, so you're welcome to.

21 THE COURT: I don't know if she's necessarily wanting
22 me to give her a call.

23 MS. PARRISH: Well, I'm welcome to it.

24 THE COURT: Thank you very much for being here.

25 Ms. Crooks, thank you, really truly for your

1 commitment to this case and what you've done on behalf of this
2 young woman.

3 MS. CROOKS: It's been a pleasure.

4 THE COURT: Thank you.

5 MS. PARRISH: Thank you.

6 MS. COOPER: Your Honor, I don't believe there are
7 any other young people in the audience, but I don't know if
8 there's anyone online that would like to speak.

9 THE COURT: I guess I'll ask the question. I'm Judge
10 Aiken. Is there anyone on the line or on Zoom? None that were
11 young people are on Zoom.

12 Is there anyone who would like to come forward and
13 talk about the settlement?

14 (No response.)

15 THE COURT: People are looking around, so I don't
16 know if that means anything.

17 MS. COOPER: Your Honor, this is who I was expecting
18 to speak. I wasn't expecting anyone else, but I wanted to just
19 open the floor in case other young people I didn't know wanted
20 to show up and speak.

21 THE COURT: Okay. Anything else?

22 MS. COOPER: Your Honor, at this time, I don't know
23 if you want us to -- Ms. Blaesing and I to present argument, if
24 you wanted to shift to nonlawyers and have Mr. Ryan speak.

25 THE COURT: That's a very interesting question.

1 Let's take a break. Let's take a break and everyone
2 can use the facilities, and we'll be back in about ten minutes.

3 MS. COOPER: Thank you.

4 THE COURTROOM DEPUTY: Court is in recess.

5 (A recess is then taken.)

6 THE COURT: So I have one of those constitutions that
7 can just go all day, because I didn't look at the clock. It is
8 noon. So -- and I know a lot of people like to have lunch.
9 And so I'm happy to break so that people -- if you want a lunch
10 break right now, I'm happy to do it. But this is one of those
11 cases where I always feel like it's a lot easier on people to
12 just go through and get done. I'm certainly happy to do that.

13 So if there's -- and I'm happy to go either way. I'm
14 assuming we're just going to proceed, unless you want to take a
15 break, it's fine with me.

16 MS. COOPER: I agree. I would like to proceed,
17 please.

18 MS. CRIPPEN: Yes, Your Honor.

19 THE COURT: So what I'm going to do is I'm going to
20 call on Kevin Ryan, who is the neutral in this case, and I'm
21 going to ask him to go next.

22 And number one, I know he's on Zoom, I know he's been
23 paying attention, and I want to hear an update of the status of
24 where things are, because I understand there's no contract
25 signed yet, and I want to know exactly what that means.

1 So, Mr. Ryan, why don't you start and sort of give us
2 an update on where you understand things are with you.

3 MR. RYAN: Thank you, Your Honor. And thanks for
4 this opportunity to listen to those extraordinary young people
5 talk about their experiences.

6 There is a signed contract. There is not yet a work
7 authorization, Your Honor. One of the provisions in the
8 contract is that we cannot begin work until the State issues a
9 work authorization, and my understanding is the State intends
10 to do that once the Court approves the settlement.

11 THE COURT: So I would like confirmation of that. Is
12 that true? And who can speak for the State?

13 MS. CRIPPEN: Yes, Your Honor. Kevin Ryan has signed
14 his contract and the State has as well. We've completed all
15 necessary on-boarding steps under that contract, and we are
16 ready to go as soon as the final settlement is approved.

17 THE COURT: Well, I'll come back to that later.

18 But Mr. Ryan, why don't you go ahead. I'd like you,
19 for starters, because this is a role that you will play for
20 more than a decade -- maybe less. I'm going to be a cautiously
21 optimistic person and say maybe it's less.

22 And Cathy, it's flashing, so I'm going to have to go
23 to the other computer.

24 I'm going to have to go to another computer because
25 we're having some technical issues.

1 Mr. Ryan, I really want you to go through the states
2 you've worked with, starting I guess chronologically, the work
3 you've done, where things were in those respective
4 jurisdictions. Sort of juxtapose what the problems were when
5 you started in each of those respective states, the
6 experiences, and some of the solutions and strategies that you
7 worked to bring their systems into compliance and into --
8 actually what I've heard from the number of judges that I've
9 spoken with, into sort of the gold standard of care in
10 dependency cases.

11 So if you wouldn't mind.

12 MR. STENSON: Sure. Thank you, Your Honor.

13 My first experience was New Jersey. The State at the
14 time had been sued and had settled a federal class action
15 lawsuit that alleged unconstitutional conditions of care for
16 children in state custody. I had been serving at the time as
17 the child advocate in New Jersey, which was a public watchdog
18 position that oversaw and monitored systems that were
19 responsible for serving children who were at risk of abuse and
20 neglect.

21 The plaintiffs in that case sued the State, settled
22 the case, and then after several years -- and I was not in the
23 public agency at the time when the case was settled -- the
24 plaintiffs alleged noncompliance, and they were moving into
25 court on contempt.

1 And a new governor was elected, and the new governor
2 asked me to and appointed me to serve as the head of the
3 agency. And so my first experience was as a defendant. I came
4 into the New Jersey system with a contempt motion pending in a
5 system that was really struggling. Back then there were seven
6 reporters from six newspapers who were covering this, so there
7 was no shortage of public attention as to how bad the system.

8 THE COURT: Did you say seven zero, 70?

9 MR. RYAN: There were seven.

10 THE COURT: That was a lot.

11 MR. RYAN: There was definitely days it felt like 70,
12 but there were seven.

13 And, you know, as I've said many times since, that
14 was the hardest work that I have ever done. And it was -- the
15 reforms in New Jersey were only possible because of thousands
16 of people both inside the agency and outside the agency were
17 all tugging in the same direction to improve that system so
18 that it better served families and children in New Jersey.

19 But at its lowest point, there just weren't enough
20 safe placements for children. The system to investigate abuse
21 and neglect was deeply under-resourced. There were woeful
22 delays in permanency for children, and many children -- there
23 were -- I think at the time that I became the commissioner,
24 there were 16,000 or 17,000 children in care. There were many
25 children languishing in care for well over 36 months.

1 And we went about the work of putting in place the
2 fundamentals of system reform, which is often the very unsexy
3 and unremarkable stuff of making sure that your system has the
4 resources and the training and the capacity and the human
5 capital to serve children and families well.

6 And then as we stabilized the work force and gave the
7 work force the conditions that made the work possible for them
8 to do well -- reasonable caseloads, strong supervision units, a
9 strong training program -- and frankly, that also meant, at
10 least in the early going, it meant not doing things that were
11 very interesting but that required a more sophisticated and
12 more stable organization than we had back in 2006. So we
13 really focused on permanency caseload, supervision, a strong,
14 reliable, accurate data system.

15 I don't know -- I think I told you the story, Judge,
16 but I had been serving as the agency's child advocate, so I had
17 been in the business of pointing out all the problems, and then
18 I was in charge of fixing all the problems as the head of the
19 New Jersey agency. And I brought the governor with me into the
20 Camden -- which is in south New Jersey, the Camden district
21 office. And I was taking him on a tour of the office, and they
22 had Post-it Notes on the wall. That was how they were tracking
23 their placements.

24 I said to the governor, "Can you believe that they're
25 tracking children on Post-it Notes?"

1 He said, "Well, the 'they' is you. You're in
2 charge."

3 I said, "Yeah, get out of here. I've got to go fix
4 this."

5 It was very, very challenging, but we did really
6 focus on the fundamentals. We were able to stabilize the work
7 force, which is essential, and ebb the lethal turnover which
8 was just killing us. Most of the people who come to the work
9 do so because they're passionate about children and families,
10 and they want so much to be part of the solution, but folks get
11 overwhelmed by a lack of resources, poor supervision. If they
12 don't -- in the case of New Jersey at the time, they didn't
13 have access to state vehicles, which were required to visit
14 children and to facilitate visits with children and their
15 siblings and parents. The message that inferentially gets sent
16 out all the time, especially with high caseloads, is that we're
17 setting you up for failure.

18 I can literally remember my first visit to the Toms
19 River child welfare office in New Jersey. There was nobody in
20 the office who had been at the agency for more than 18 months,
21 and the caseloads that were being described were 60, 70, 80
22 children per worker. And many of the workers were crying. And
23 I quickly sobered up to how overwhelmed these folks were and
24 how important it was going to be to really show people that it
25 was different, not get out there and make a bunch of promises

1 we couldn't deliver on, but actually lower caseloads, get
2 people access to vehicles, and make sure we had trainers who
3 were going to mentor them.

4 And over time in the first three years of that
5 reform, because we focused on the fundamentals -- and there
6 were lots and lots of folks who said we weren't doing enough,
7 that our admissions were too shallow, that the pace was too
8 lethargic, but because we set new standards, New Jersey set
9 state records by the end of the months on permanency for
10 children, on the number of certified safe resource homes or
11 foster homes, and then on adoptions, which at the time that the
12 case was resettled, so the contempt motion didn't proceed, it
13 was resettled when I was the commissioner, those all seemed
14 very far off.

15 And then teams that followed me in New Jersey built,
16 you know, model health care systems for children that followed
17 the Utah model of embedding in child welfare offices health
18 care providers and nurse practitioners who attended not just to
19 making sure children had timely well-child visits, but also
20 that medically fragile children had access to immediate care
21 and follow-up care. That was particularly important for New
22 Jersey at the time because there had been a number of infant
23 fatalities, children who were in foster care had failed to
24 thrive, and their deterioration not been detected because of a
25 very fragmented system of foster care and health care.

1 So all of that was the work of my successors and, you
2 know, New Jersey, of course, has exited its lawsuit now, and
3 its -- the promises it has achieved extends far beyond the work
4 that I and my team did. They've now created a model behavioral
5 health system that's funded largely by the Medicaid rehab
6 option that's fully integrated into the child welfare system.
7 They have a robust prevention program in New Jersey. And I
8 think the last time -- and this is secondhand, Your Honor, but
9 I think the last time I read about this, New Jersey has under
10 4,000 children in foster care, which is a dramatic reduction in
11 the number of children who were in foster care previously, and
12 New Jersey has a relatively safe reentry performance standard.
13 So that was the work I learned in New Jersey.

14 Shortly thereafter, we tried quickly as a team write
15 about the five lessons of reform, and a lot of those things
16 that we wrote about became core values for us in the work that
17 we did supporting reform efforts in, for example, Michigan and
18 Oklahoma, Oklahoma which --

19 THE COURT: Let me stop you for one second. I want
20 the five lessons. What are the five lessons?

21 MR. RYAN: All right. So the first was -- this could
22 be upsetting to some folks, but I deeply believe the first is
23 that you have to practice reform with an eye to the field. So
24 everything that public leaders say and do has to be about
25 creating the conditions in the field that make the work

1 possible and make excellent work possible. We're asking people
2 at all hours of the day and night to go into often some pretty
3 tough neighborhoods, usually unaccompanied, and be making
4 really important decisions for children and for families. That
5 work requires leadership be focused primarily on what's going
6 on in the field, which means -- and this sometimes can be where
7 reform and improvement diverge, because litigation reform can
8 lead to the new Excel spreadsheet, the new report, the new
9 tracking system, and all that avalanches on to workers and just
10 becomes the five-, six-, seven-, eight-year reports that they
11 have to fill out without having provided them with adequate
12 supervision or training. It sends the opposite message. It
13 may feel like accountability, but it actually deteriorates the
14 quality of the work. That was one.

15 The second was to mistrust conventional wisdom. Just
16 a very quick story. New Jersey had a deep shortage of foster
17 families, and everybody was saying you got to spend more money,
18 you got to spend more money, you got to spend more money. I
19 didn't know that we didn't. I thought, okay, we should
20 probably start advertising on PBS during Sesame Street and
21 during, you know, the weekday morning programs when single
22 parents are watching this, but my team said, we just hold off
23 on that. Let us actually map out what is happening here. And
24 when they mapped that out, they reported back to me that we had
25 two competing entities in state government, one that was

1 charged with supporting families and helping them through the
2 licensing process, and the second group that was charged with
3 actually certifying the families. And they had different
4 values. There was a different ethos. And because they didn't
5 work together, one group saw victory as getting a family
6 licensed, and the other group saw victory as the "gotcha." And
7 the "gotcha" included your batteries and your smoke detector
8 aren't working, we're going to fail this house, or the radiator
9 doesn't have a cap on it and it's unsafe.

10 So as we understood that, we reorganized the unit,
11 but then we equipped it with the tools to problem solve. So
12 here are batteries, here's the radiator cap, here's flex
13 dollars so you can actually go get the bed and put it in the
14 bedroom, rather than fail the home because it doesn't have a
15 bed for a child we need to place in there safely. And that
16 system integration and new leadership over that team led to New
17 Jersey having many, many, many more foster families within 18
18 months, and a good number of them went on to become adoptive
19 parents.

20 We also -- New Jersey had not historically been
21 welcoming for gay and lesbian parents, and we had a group of
22 individuals who were so desperate to be loving caregivers for
23 children who were languishing in care, so we actively recruited
24 gay and lesbian families and they became a big part of our
25 solution, too, by welcoming safe caregivers into our placement

1 array. All of that in the early going wasn't the conventional
2 wisdom.

3 And, by the way, I subscribe to the conventional
4 wisdom. This isn't me saying I know better. I didn't know
5 better. I was about to ask the legislative for more funding
6 for more advertising. It was my team that said, no, no, no.
7 Just go do this.

8 The other thing is that for the third point, which
9 was very hard for me early on, is that a system doesn't do 50
10 things well. The truth is the system doesn't really do 20
11 things well. And I had a lot of reports coming in, and many of
12 those reports were not reliable because they were populated
13 with inaccurate data. I could give you lots of examples of
14 this, but the bottom line was that my team disciplined me to
15 think really hard about what are the core dozen reports that I
16 needed in the first year to manage the reform forward, and then
17 to grow that out in concentric circles. And that only grew out
18 as our ambitions grew out, as our work force stabilized.

19 Again, it's easy in hindsight to look back on this
20 and say, okay, well, that was orderly, but at the time there
21 was so much frustration in the public with lawmakers. People
22 were so frustrated with me when I said, no, no, we're no longer
23 going to be tracking the number of children who had been seen
24 by the Munchausen by proxy clinic in South Jersey, because it
25 was a well-loved clinic, it was a really interesting program,

1 but I had workers with 80 cases. So it really required that we
2 focus on a core set of deliverables, but then deliver on them,
3 because nothing undercuts the integrity of reform more than if
4 you ask everyone to be patient, and you say, "I promise you I
5 will deliver on these ten things," and then if you do not
6 deliver on those ten things, all of the goodwill that is
7 essential to funding reform and implementing reform and
8 building a movement for change with families, with community
9 partner agencies, with young people goes away, because people
10 think it's more of the same.

11 The fifth lesson of reform, I think it's probably
12 like a second cousin to what I was talking about earlier,
13 because it's really about the fundamentals. We believe
14 desperately the key to strong system reform starts with stable
15 workloads, a stable work force, and we really focused in that
16 first year in New Jersey on that. That's not all that was
17 broken in New Jersey. There's lots and lots that was broken,
18 but that's what we focused on.

19 You know, New Jersey's reform is very different than
20 the one that is mapped out here in Oregon, and both are very
21 different than Michigan and Oklahoma, but they all require a
22 stable work force that has the tools and resources in order to
23 do this work as the agency and as the plaintiffs' counsel want
24 the work to be done and as families and children in Oregon
25 deserve.

1 THE COURT: So talk a little bit about the next state
2 you worked with.

3 MR. RYAN: Oklahoma --

4 THE COURT: Do you remember how many were in foster
5 care when you were taking over the -- you said it was down to
6 about 4,000. Do you remember initially --

7 MR. RYAN: There was about 17 -- 16, 17,000. It's
8 hard now for me to remember the difference between -- I'd been
9 working for the governor. It's hard for me to remember what it
10 was when I was in the governor's office, but when I became
11 commissioner, somewhere around 16, 17,000.

12 THE COURT: So did you have the advantage in New
13 Jersey of the governor's office being intimately involved and
14 supportive of the reform efforts?

15 MR. RYAN: Yes. It's absolutely essential. I see it
16 everywhere that reform flourishes, it's because there's a
17 governor who insists on it. And I didn't know the governor
18 well before that. He was my boss. And he was just really
19 interested in what the map forward was and how he could track
20 our progress. He wanted measures. He wanted not some
21 qualitative set of impressions from me, but he wanted a
22 performance map and milestones. I met with him every single
23 month, sometimes more than once a month, and walked through
24 that, and then he went and asked for the resources from the
25 legislature.

1 It's just a very New Jersey story, but they ended up
2 shutting down the government in New Jersey because the
3 governor -- in part because the governor knew we needed, you
4 know, a real infusion of workers and resources in the child
5 welfare system, and it was one of a couple of issues that were
6 hanging up the state budget for almost a week. I could never
7 have done it without him, never. In fact, it's why reform was
8 elusive before him, because governors hadn't been willing to
9 make those investments. And the governors who followed him
10 from different parties kept faith with that. They maintained
11 his level of investment.

12 And the same thing is true in Oklahoma. The
13 governors in Oklahoma are different than -- a different
14 political party than the governor I worked for in New Jersey,
15 but it was because of their insistence on reform, because of
16 their investment, because of the legislature's commitment to
17 the reform that Oklahoma in many, many respects has become a
18 model.

19 None of these systems are perfect. I'm not
20 describing to you systems that are A plus. I'm describing to
21 you systems that are in a reasonable way doing very strong work
22 with children and families that have access to services, that
23 have reasonable caseloads for their work force, that believe in
24 families, and are able to deliver resources to children and
25 families. And that was certainly true in New Jersey at the

1 close of the lawsuit, and it's true now in Oklahoma.

2 So Oklahoma's reform or its lawsuit settlement is a
3 lot more like Oregon's map than New Jersey's, and one of the
4 features there was in 2012, the State published what it called
5 its pinnacle plan, which was its map to improve its child
6 welfare system, a key set of deliverables, which included
7 improving placement stability for children, and permanency and
8 more therapeutic settings and reasonable caseloads. And
9 Oklahoma has exited from its lawsuit the vast majority of its
10 deliverables, I think 30 of 35 or 36, and it's fourth in inches
11 on the rest. There will be a determination at the end of this
12 year about the -- about what happens in Oklahoma, but it's a
13 system that doesn't look anything like it looked 12 years ago,
14 nothing.

15 THE COURT: Describe it. Talk about it.

16 MR. RYAN: There were infants and toddlers who were
17 languishing in hallways in public shelters. There were many,
18 many, many allegations of maltreatment in care of children in
19 foster care that never went investigated. There was no clock
20 to begin those investigations. There wasn't a requirement. In
21 fact, I remember my first meetings with them, I said, "Well,
22 how many begin within 24 hours?"

23 And they said, "Well, we're tracking how many begin
24 within 30 days."

25 There was not uniform public reporting of

1 substantiations of abuse and neglect. Children were
2 languishing in care. There wasn't a commitment to timely
3 permanency for children. There were many fewer behavioral
4 health services for children than were needed in order for
5 children to heal and ultimately flourish. It was a very bad
6 system.

7 And today, because of the remarkable leadership of
8 the Oklahoma leaders, those who are there now and those who
9 immediately preceded them, and both governors, it's a model in
10 many respects. One of the things that I love most about
11 Oklahoma is that they also have been willing to be teachers to
12 other state systems, and so they have been talking with other
13 public systems about how they solved their caseload problem,
14 how they reduced maltreatment in care, about how they took a
15 really significant challenge, which was the lack of therapeutic
16 foster homes in Oklahoma. They'd worked on it for maybe eight
17 years, were making no real headway, and they started to reflect
18 on maybe there's another way to do this, and they by practice
19 had many children who were in loving kinship settings, and they
20 said to themselves, well, what if we embedded in those settings
21 the same level of services and supports for kin providers we're
22 providing for therapeutic foster homes? And, plus, many of
23 those children in kinship settings are staying there and being
24 adopted, or there's a guardianship that takes root. So
25 children are achieving permanency there. And they came up with

1 a program called the enhanced foster care program, which now
2 other jurisdictions are following, and they partnered with
3 their state Medicaid agency to fund it. This was because of
4 the political pull of the governor, because the two agencies
5 had not been working collaboratively, and the current governor
6 insisted otherwise and got the two agency heads to work
7 together.

8 THE COURT: Can I interrupt you? Do we have the
9 governor's representative still on this call? Because I have
10 not seen that space.

11 MS. CURRANS-HENRY: Hello. Hi, this is Rachel
12 Currans-Henry. I serve as the senior human services advisor
13 for Governor Tina Kotek. I am on this call and listening.

14 THE COURT: There was no square there. You did
15 something that just popped up your square.

16 But in listening in my earlier discussions through
17 this process, it was very apparent to me that most of these
18 solutions are only obtained with the interest and commitment of
19 a governor's office, and the will -- and I'm going to suggest
20 as well -- am I wrong, Mr. Ryan? -- it also helps to have
21 friends of the legislative people who are highly committed to
22 change in the foster care system. Those are not your enemies,
23 those are your friends.

24 Is that a fair statement?

25 MR. RYAN: I made them my friends. It's essential

1 because --

2 THE COURT: Thank you, Ms. Currans-Henry, for coming
3 back on, because again this is only going to work if the
4 governor asks for -- to be honest, this can only work if the
5 governor expects excellence and to push to get better results
6 for children. If we are just willing to just go for a baseline
7 or status quo or maybe something a little better or check the
8 box, it's not going to do what I know the governor is generally
9 committed to. So thank you for listening. I just -- I really
10 think there's a huge opportunity, and I wanted to start out
11 with a positive spin into what's possible, because what I've
12 learned about both New Jersey, which I'm very familiar with,
13 and then most recently with Oklahoma and the judge who took on
14 the settlement of that and the oversight -- without a
15 background in this arena, he considers this to be incredible
16 legacy work that he has taken on, in addition to what he's been
17 doing, tribal work, to meet the needs of the really complicated
18 issues of child abuse and neglect in the tribes, which we know
19 a great deal about here in Oregon.

20 So he's -- they've gone over and above. And so I
21 would like Oregon to be at least competitive with what has been
22 accomplished in these other jurisdictions.

23 So thank you.

24 MS. CURRANS-HENRY: Thank you, Your Honor.

25 THE COURT: Go ahead, Mr. Ryan. I'm sorry, I

1 interrupted you.

2 MR. RYAN: I guess another jurisdiction that has
3 demonstrated the possibility and the reality of system
4 improvement is Michigan. Also, a lawsuit settlement, and I
5 served there as the monitor. That settlement looks a lot more
6 like New Jersey's than it does Oregon's or Oklahoma's.

7 And that system was also a system that was deeply
8 under-resourced. I mean, the classic story, very high
9 caseloads, not enough foster homes, a real lack of services,
10 and the agency just hadn't been given the tools and resources
11 that it needed to serve children and families in Michigan well.

12 So much in that system is fixed, and it, too, is a
13 system that is much closer to the exit than not. It's --
14 already many parts of the lawsuit are gone. The caseloads are
15 compliant and most of the permanency measures are, you know,
16 above the standard that had been set. And the agency fixed its
17 training program and many aspects of its health care program
18 and its placement stability. There's a lot about Michigan
19 that, you know, goes on about the possibility of reform.

20 And if I may say, it was a tough settlement. It's a
21 case that has a lot in it like New Jersey's, and it's a big
22 part of why, you know, Oklahoma, which just had less in it than
23 Michigan, that's why Oklahoma is exiting before Michigan.
24 Oklahoma is, nonetheless, a very, very strong system and has
25 been teaching Michigan about some of its safety work.

1 And all of these systems, New Jersey in particular,
2 but also Oklahoma and Michigan, have reduced the number of
3 children in congregate facilities and reduced the number
4 children out of state, children who are not in family-like
5 settings.

6 One of the first things I did in New Jersey -- we had
7 232 kids. This is a pretty small state, New Jersey, and there
8 were 232 children in out-of-state congregate settings. And the
9 Office of Management and Budget in New Jersey said, "Okay. You
10 want to bring these kids home, we'll let you keep that money
11 for two years." And they ultimately let us keep it for longer,
12 but we brought those kids home and then we repurposed the
13 money. It was sometimes costing us over a thousand dollars a
14 night to have a child in often a deeply suboptimal out-of-state
15 residential facility. And it was the work of going young
16 person by young person by young person, and that helped us
17 diagnose what the gaps in our system were and to help us build
18 a map of the placement array that we wanted to create, but it
19 was also the way to get kids back, because many of those
20 children had complex behavioral health needs and needed a
21 deeply bespoke plan, and they needed us to tailor the plan to
22 meet that individual child's needs. And in partnership with
23 our Medicaid department, we were able to do that. All those
24 kids came back. Every single one of them came back within 14
25 months, and we stopped sending children out of state in New

1 Jersey. We closed our shelters in New Jersey first for
2 children under six and then for children under 12. And then
3 I've lost the thread because I left New Jersey a long time ago,
4 so I'm not exactly sure for older young people. That was the
5 blueprint, but I'm not sure whether or not any of the
6 facilities are still open for children who are -- I think 14
7 and above was where the -- I last left off 15 years ago.

8 So I guess Michigan, as I was saying, Michigan also
9 is another example of really hard work over many years from
10 many, many talented, committed people in the public agency, in
11 the governor's office, in the legislature. And Michigan has a
12 vibrant public-private partnership, and many private providers
13 who were -- they do much of the child welfare work, and they
14 were ready partners for the state in many respects.

15 THE COURT: In those three states that you've talked
16 about, can you describe what the transition planning was as
17 children are getting to the aging-out process? You've heard at
18 least three examples here that leave people, I would say, kind
19 of gasping about what transition plans were in place. Was that
20 tackled in any of those three jurisdictions?

21 MR. RYAN: Yes. This is work that is particularly
22 close to my heart, because in my non-government work, up until
23 a year and a half ago, I spent three decades working with young
24 people facing homelessness between the ages of 15 and 21, and
25 that's in the United States, but also in Canada and in Latin

1 America. And many of those young people had aged out of foster
2 care. So I was -- it was probably my chief motivation going
3 into government, and New Jersey was a runway that was smoother
4 and better supported.

5 So we did a lot of things in New Jersey. We
6 created -- first we extended foster care eligibility until
7 young people were 21, which many states have done now. We
8 created a foster care scholar's program, which essentially
9 funded four years of college education or trade school work --
10 then we extended it to five, then we extended it to six -- for
11 young people who had been in foster care for one year. We
12 created a -- we created a trade and apprenticeship program and
13 then seeded those programs throughout the state in partnership
14 with some of our family prevention programming, to give young
15 people skills and then jobs through some of New Jersey's bigger
16 unions, and many young people went on to do that work. We
17 created an apprenticeship program so that young people who had
18 been in foster care could become -- and they were interested in
19 being caseworkers, could become caseworkers by heading into a
20 social work initiative that -- for young people who were
21 interested, got them their degree, then their social work
22 degree, and then job placement with us in the child welfare
23 agency. We created the youth speakers bureau, and I used to
24 meet with young people every month. And those meetings were
25 not always easy, because every time I thought we had fixed

1 something, I found six new things that were broken, but it was
2 the only real way for me to know what was going on was to go
3 talk to young people. And we created that bureau, and it grew
4 and grew and grew, and it became much bigger and more useful in
5 terms of system reform work after I left.

6 Michigan had a similar set of ambitions, but Michigan
7 in addition created a healthcare initiative so that young
8 people had seamless health care as they were leaving foster
9 care. They created a housing initiative. It first started --
10 it was very rough. It was a set of referrals. So this is the
11 difference between like checking the box and fixing a system.
12 So yes, we made a referral. Well, referring a young person to
13 a shelter is not permanency or stability, so when the
14 leadership in Michigan committed to fix it, they entered into
15 contracts with a set of providers who provided a broad array of
16 housing initiatives, including apartment initiatives, for young
17 people who were aging out. There was also a foster care
18 scholar's program in addition to a health care initiative, and
19 they made young people eligible for foster care through the end
20 of the year in which they turned 21.

21 And Oklahoma, that's much more of a patchwork. There
22 the lawsuit settlement hasn't given the neutral -- I'm one of
23 the neutrals there -- hasn't given the neutrals the same
24 visibility into the system, and I know there is not, to my
25 knowledge, a systemwide path from foster care in Oklahoma into

1 housing, for example, but there is for school. There are
2 school scholarship programs. And I believe that there are
3 fewer young people as a percentage of the whole who are in
4 foster care after their 18th birthday in Oklahoma than in New
5 Jersey or Michigan.

6 And as you know, Judge, I know very little right now
7 about the Oregon system because I haven't read any of the
8 documents, I haven't begun work, so I can't really compare it
9 to Oregon, but at least in Michigan and New Jersey, to some
10 extent Oklahoma, it's a much stronger system than it was
11 before.

12 THE COURT: So would you talk about the framework of
13 the settlement. And you accepted this position, it's my
14 understanding, knowing or believing -- let's say not knowing
15 but believing that the data and technology systems in Oregon
16 are better than when you started in New Jersey and Oklahoma and
17 Michigan. Is that accurate?

18 MR. RYAN: Both parties represented to me that the
19 data systems and the case reads and the quality of information
20 in Oklahoma is trustworthy --

21 THE COURT: You mean in Oregon?

22 MR. RYAN: Yes, Oregon. I apologize. Oregon.

23 I won't be integrating into my work an independent
24 validation process, not unless there comes to the parties'
25 attention or my attention that there is a reason to mistrust

1 that. But the default here is that this data and case reading
2 system is trustworthy and is a very important platform for the
3 improvement work that will go forward.

4 THE COURT: I guess I'm going to say personally I
5 would like you to, in your first report, validate that
6 information one way or the other, or ask for the resources that
7 you need. My concern is, having been a juvenile judge in '95,
8 we didn't have any -- they were paper files. There wasn't --
9 data wasn't collected. There wasn't that system available. So
10 it's only these last couple of decades we've even had that
11 resource, and I just want to make sure that we have not just
12 adequate but excellent data to work with. So I hope that you
13 will address that early on that those representations were, in
14 fact, accurate, and Oregon is even or ahead in terms of our
15 data collection. That would be important, because I'm a big
16 believer in measurables.

17 So I want you to talk a little bit about the
18 settlement framework that you've seen and looked at, and talk
19 about how you are going to go about -- just roughly what you
20 think the easiest way to go about setting those measurables
21 that are in the document and the process you're going to go
22 through to assess Oregon and to outline some of those
23 measurables.

24 MR. RYAN: Well, I really look forward to talking
25 with the parties about this and getting their ideas about this.

1 They, at this point, know a lot more about Oregon and its
2 opportunities and challenges than I do. But in general, it
3 will be a real season of listening and reading. I want to and
4 am required to read everything that was filed in the case, and
5 haven't read anything that was filed in the case, so there's a
6 lot of information to absorb, in addition to listening to the
7 parties. And I really mean that, listening to the parties,
8 understanding what their ambitions are, where they found
9 alignment with one another, where they did not, and
10 understanding what the gap is.

11 And then listening to stakeholders across Oregon,
12 listening to young people and families and providers, and
13 understanding their experiences, which I think can be very
14 powerful and point to challenges and opportunities, like today.

15 And then work closely with the agency to think
16 together about the targets and about their own plans, what
17 their PIP requires, what their own strategic plan requires, and
18 discussing with them what their ambitions are, and coming to a
19 place later this year, later next year, where I hope we have
20 consensus around what the targets are and what the time frame
21 for achieving those targets are, and what some of the key
22 strategies will be to get there.

23 This is very hard work in many jurisdictions. I
24 don't know enough about Oregon to say it will be hard, but I
25 guess it will be hard. That would be my forecast, is this is

1 hard work.

2 Then beyond that, the settlement sort of changes
3 after targets are identified and the time frame and the
4 measures have been delineated. Then it becomes a matter of
5 State implementation and the State sharing information with me
6 about the efforts the State has made to implement its
7 commitments. And I think we have a lot of discussion to have
8 among us about what form that will take and how we can stay
9 connected with each other as that work gets underway.

10 The circle can certainly get smaller. A neutral is
11 at that point only in dialogue with the parties by virtue of
12 the settlement and settlement map, and then the neutral -- then
13 I'd be making a determination after conversation with the
14 parties and digesting all the State's information, and probably
15 a lot of back and forth with the State about the quality of the
16 State's efforts, and the State and the neutral will have
17 discussions about that, and then the work moves forward and
18 proceeds.

19 How that all will take shape, what the cadence of
20 interaction between us will be, what efforts the State will
21 make, I think that's all yet ahead of us. I know for all of
22 you who have been working on this for years and years, you
23 probably have a ready sense of what these targets should be. I
24 just don't. I have a lot of work to do.

25 THE COURT: In the other states that you've worked

1 with, generally the lawyers aren't running the show; you're
2 working with the agency primarily. Is that correct? So --

3 MR. RYAN: In New Jersey -- my best friend was the
4 attorney general of New Jersey, and I asked her at the time if
5 I can take the lead here as the state leader, and certainly
6 check in with her, but she and the lawyers -- New Jersey was
7 represented by the attorney general's office -- receded.

8 And in Michigan, certainly the lawyers stayed in
9 touch with their clients and made court appearances, but all
10 the conversation that I have had has been chiefly with the
11 public agency leaders, and that's absolutely true in Oklahoma.
12 It's almost exclusively with the people who were actually doing
13 the work and driving the work forward, and only when there's a
14 hiccup or a difficulty have the lawyers become involved in
15 those cases.

16 I just think the natural metabolism of the case -- I
17 don't know what's going to happen here, but all the cases I've
18 been involved with, once they settle, the lawyers take a back
19 seat and the people who are charged with actually envisioning
20 and implementing the reform and managing the reform really
21 start to quarterback the work.

22 THE COURT: Is there anything you noticed or raise
23 that's missing in the settlement that you're concerned about?

24 MR. RYAN: The settlement is a very unique
25 settlement. It's unlike any settlement that I have been a part

1 of. It reflects -- in my view, it reflects more trust between
2 the parties than I have seen in other cases. I think that that
3 is really useful. And I think it will require that I be much
4 more of a thought partner and a collaborator with the State
5 than I was, for example -- than I have been, for example, in
6 some other jurisdictions. And I just --

7 THE COURT: Why do you say that?

8 MR. RYAN: Because, for example, the map of the
9 settlement says that the neutral will work together with the
10 state agency to identify the targets, and that, in good faith,
11 requires working together, collaboration, discussion. This
12 isn't about, hey, you give me your ideas and then I will decide
13 what the targets should be. So there's going to be much more
14 interaction and, I imagine, collaboration, which is a word that
15 the plaintiffs have used with me, than in some of the other
16 cases.

17 Also, in no other case that I'm involved with does
18 the circle following the articulation of the measures narrow to
19 the principals for each party, but that's what happens here.
20 There isn't any ongoing communication, as I understand it, with
21 other stakeholders, with young people, with foster providers,
22 with community partner agencies. Once the targets have been
23 identified and the time frames established, the primary
24 communication is with the principals for each of the parties.
25 That's different than in other jurisdictions I've worked with,

1 and will require -- for success, it will require that I work
2 very closely and in a space of trust, which doesn't exist yet,
3 but in a space of trust with the parties. I mean, it doesn't
4 exist yet between State and me. We are just meeting each
5 other. But that will be essential for this reform to flourish.

6 THE COURT: Well, elaborate on that distinction
7 between other settlements and that level of communication with
8 other parties, public-private, other participants and
9 stakeholders.

10 MR. RYAN: Sure. I mean, in other jurisdictions, we
11 talk to whoever we need to talk with. So we routinely will
12 talk with community providers or with workers or with families,
13 and that won't be true here.

14 THE COURT: That seems to be a tremendous limitation.

15 MR. RYAN: I think it's a very intentional
16 limitation. It's one that I struggled with and have finally
17 embraced because I think that it reflects the parties' mutual
18 trust of one another.

19 THE COURT: Or not.

20 MR. RYAN: I'd have to let the parties talk about
21 that.

22 THE COURT: No, I'm concerned. It seems like a flaw
23 at the beginning that you don't have that sort of validation.
24 Meanwhile, we heard this morning that concern from people
25 that -- withholding of information or the authentic

1 presentation of what's going on, it's so filtered it becomes
2 meaningless.

3 MR. RYAN: I think if everyone, especially if the
4 Court understands that information that the neutral will be
5 getting on an annual basis in making the determination around
6 the quality of the State's efforts and whether it meets the
7 standard that's been set forth in the settlement agreement will
8 almost exclusively come from one or the other of the parties.
9 That is -- that is not always true in my other cases, but it is
10 true here.

11 THE COURT: All right. Anything else you want to
12 tell me or talk about in terms of where you think this will go
13 next?

14 I'm looking at the parties. You're going to need to
15 tell me why you think that limitation is valuable and maybe
16 perhaps you might want to have a conversation between and among
17 yourselves, because I see that as a problem, especially after
18 what we heard today.

19 So why don't you elaborate on how the other
20 jurisdictions that have found success and where you've closed
21 out, how that's worked to make sure that you have that ability
22 to have unfiltered -- I guess I'll use that term, unfiltered
23 information provided to you. Because the last thing I want to
24 see is a report provided yearly to everybody that really is so
25 filtered that it's not meaningful.

1 MR. RYAN: Well, for example, in other jurisdictions
2 which purportedly -- New Jersey, Oklahoma, and Michigan had
3 weak information systems that strengthened during the course of
4 my work there, and so we were constantly having communication
5 with external stakeholders about the quality of the information
6 that was coming from the State. For example, right now in New
7 Mexico, which is a relatively new settlement and a really
8 different settlement than -- it's not in federal court.

9 THE COURT: Before you go, can you kind of explain
10 how you got involved in the New Mexico case? Because that's a
11 very -- I'm assuming in all these cases, none of the agencies
12 were happy to have you. Is that fair?

13 MR. RYAN: Well, in Michigan, it was the governor of
14 Michigan, the governor's office in Michigan who recruited me,
15 but I've been the defendant then.

16 In Oklahoma, it was a representative from the
17 Oklahoma Human Services Commission, a man named Steven Dow, who
18 was appointed by the governor and served on the oversight
19 panel.

20 In New Jersey it was the governor appointed me.

21 New Mexico was the plaintiff's group who reached out
22 to me. It's a group called Public Council.

23 In California and Appleseed, New Mexico, and I think
24 New Mexico Disability Services, and I was mediating there, and
25 at the end of the settlement, they decided to have a panel, and

1 asked me if I would be a member of that three-person panel.
2 It's now a two-person panel. But that lawsuit ended without
3 any -- it's very different. There's no ongoing judicial
4 oversight. The co-neutrals -- I'm one of two now -- make
5 annual determinations about the qualities of the State's
6 efforts. And depending on those judgments, plaintiffs can --
7 either the State exits or the plaintiffs can seek dispute
8 resolution.

9 But in that case in New Mexico, we monthly interact
10 with foster parents and interview them. It's something that we
11 did for years in Michigan and then stopped. It's something
12 that we do routinely in Texas. In our Texas case, we also talk
13 to community providers, we talk to mental health providers.
14 When I go to -- I just spent a week in New Mexico. I talked to
15 a wide array of public workers, private stakeholders, community
16 providers. And the information is incredibly helpful in
17 filling in some of the challenges that exist in the system.

18 So that's been my experience. It's certainly how I
19 have been thinking about this first year in Oregon, is having a
20 bit of a listening tour and, you know, having the State help
21 navigate that, but being open to conversations with individuals
22 across the state who care deeply about the system. And then I
23 had imagined it stopped.

24 THE COURT: So theoretically you're doing a report
25 every year for the next nine years based on what information is

1 filtered to you through an agency?

2 MR. RYAN: And plaintiffs, yes. That is what I think
3 the parties have agreed to, but I -- I haven't talked to the
4 parties, so they might have a different idea about this. But
5 that's essentially how I thought it was going to work.

6 THE COURT: Maybe this is a time for comments,
7 because that seems to me a tremendous glaring, glaring, glaring
8 gap.

9 MS. COOPER: And, Your Honor, what I would first draw
10 your attention to is in the preliminary settlement agreement,
11 under Section 3.1.2, one of the duties of the neutral is to
12 conduct optional interviews, but we want there to be as many
13 interviews as possible, and that includes civil rights
14 attorneys, state agencies, providers, resource parents, current
15 or former foster youth. We think that's going to be critical
16 to understand, as the neutral has explained it, the settlement
17 map.

18 THE COURT: I hear that. That's in the mapping. But
19 it sounds to me like it's the ongoing, so after you have the
20 map and you have the benchmark step, after that he doesn't have
21 that kind of ability to check on where things stand to see if
22 the targets are being met.

23 MS. COOPER: And there are two responses I have to
24 that. The first is, as class counsel, we have an ongoing
25 obligation to keep our clients informed. And so I even had

1 conversations today about what that would look like. Is it a
2 youth council? Is it we meet every month? But it's my
3 obligation as class counsel and working with partners to make
4 sure that our clients are informed.

5 The other thing -- and Mr. Ryan talked about being
6 successful in other jurisdictions -- is under Section 2.7 of
7 the settlement agreement, Mr. Ryan can add as many as two
8 additional categories, with as many subcategories as he would
9 like. And so if this something that he as a neutral expert
10 thinks that feedback that we've been hearing from young people
11 is a critical part of the settlement agreement, then that is
12 absolutely something that he can do. And then also the ongoing
13 obligations of plaintiffs' counsel to keep him informed of any
14 information we have about implementation efforts.

15 And I think what's important about that is if we have
16 concerns about implementation and whether or not the State has
17 taken its obligations seriously, is the Court's ongoing
18 jurisdiction. We can always come back here. And I think
19 that's really important because in addition to the metrics that
20 Mr. Ryan will develop with when and how we're going to get
21 there, coupled with annual reports, coupled with our obligation
22 to keep our class informed, and then our ability to come back
23 here, I feel like that addresses some of the concern I've heard
24 you raise today.

25 THE COURT: Mr. Ryan, with that specificity from

1 counsel for the plaintiff, do you see where they have that
2 factored in perhaps a little differently?

3 MR. RYAN: I --

4 THE COURT: Sounds to me like the intent is if you
5 think you need that kind of -- and benefit, especially after
6 this first year, benefit from those stakeholders that you were
7 talking to out in the communities, you think that's important,
8 that can be one of the recommendations that you make, in
9 addition to the categories that are already designated as part
10 of the settlement agreement.

11 MR. RYAN: I think it would be helpful, Your Honor,
12 to hear from the State on that. If the parties align on that,
13 that would be helpful.

14 MS. BLAESING: Your Honor, for defendants, I think,
15 to echo what Ms. Cooper said, this was an intentional and
16 heavily negotiated provision by the parties as part of the
17 settlement agreement, and the parties spent a lot of time
18 talking about and thinking about the role of the neutral, the
19 scope of their work, how long it would last, the cost,
20 et cetera, and spent a lot of time looking at what other
21 jurisdictions had done, some where Mr. Ryan was involved in
22 other jurisdictions and looking at lessons learned from them.

23 Two things I want to underscore, is there is an
24 opportunity in the settlement agreement as currently written
25 that if there's someone else the neutral needs to talk to, the

1 parties can give consent to it. It's Section 3.12. So after
2 that first year, the first initial review period, if there's a
3 group, a person, an entity that Mr. Ryan wants to speak with,
4 he can consult with the parties and they can give consent.

5 And to give Your Honor a little more context, too,
6 about why this provision exists at all, is that there are a lot
7 of stakeholders and entities already part of Oregon's
8 child-serving system. As you know, in addition to Oregon
9 Department of Human Services, there's the juvenile courts,
10 Juvenile Court Improvement Project, the System of Care Advisory
11 Council. There are a lot of groups that exist, and a foster
12 care ombudsman person. And what we were trying to do here is
13 put all realistic parameters about what the neutral's scope of
14 their work would be so that they're not being expected to be a
15 foster care ombudsman person or a czar of foster care, to have
16 to take calls from people that have complaints or things they
17 want to talk about, that there's already a lot of forums for
18 that and existing places. And so we are trying to create a
19 sort of achievable track for the neutral to do here, and I
20 think, as Mr. Ryan spoke about, the important part of the first
21 step is we can't have 50 things or 20 things. There has to be
22 a really clear set of these are the fundamentals that are
23 going to be --

24 THE COURT: I totally agree with that. I just don't
25 want him to be filtered. I want him to have access to real

1 information. It's a big state. Not everything happens in
2 Portland, not everything happens in Southern Oregon. He has to
3 have access to the rural communities. He has to have different
4 resources, not just entities that are organized. There are a
5 lot of people out there that have a lot of strong opinions, and
6 if we're going to make progress -- and I couldn't agree more
7 with him, he needs to tackle the basics. We have to do basics
8 first well, and that needs to be his primary starting point,
9 and I couldn't agree more with his outline of how he wants to
10 approach it.

11 But to limit -- I just want to make sure the intent
12 was not to limit his ability to get the information that he
13 needs from the disparate sources. And again, it's -- it's
14 highlighted particularly today because of the three young women
15 that spoke, who clearly were never heard.

16 MS. COOPER: Your Honor, I fully agree, and I think
17 if you look at provision 3.10 in the settlement agreement, it
18 talks about Mr. Ryan's access to all ODHS documents, and then a
19 subcategory of that includes child-specific data and documents.
20 And at the end of 3.10.1, it says it's included but not limited
21 to examining issues indicative of system-wide concerns or
22 confirming the accuracy of aggregate data. Substantial need
23 does not include information needed to intervene in individual
24 cases.

25 So we added that where we didn't want Mr. Ryan

1 necessarily second guessing individual cases, but we want him
2 to have the ability to look under the hood and confirm data and
3 have client-specific data to confirm system-wide aggregate
4 concerns.

5 THE COURT: That's always been my experience when
6 you're doing systems reform that when you have an array and you
7 dig in one case at a time, you figure out the assessment, you
8 can pick up system changes that need to happen because they pop
9 up in many different ways, and you want to have the ability to
10 have those conversations so that you pick up the system gaps
11 early and you start solving those problems because you have
12 access to the array of information. And the people over and
13 over again repeat this -- what has been an ongoing problem that
14 people can't see when they're looking at one file at the same
15 time.

16 MS. COOPER: That's right, Your Honor. And I think
17 the other point --

18 THE COURT: Your mic went off.

19 MS. COOPER: The other thing to point out here that I
20 take very seriously, is under the rules of Professional Conduct
21 1.2, the scope of authority in this case are the three young
22 women who spoke today.

23 THE COURT: Say that again.

24 MS. COOPER: The scope of authority was my clients.
25 And so every year that Mr. Ryan does an annual report, I will

1 be meeting with my clients to ask, is this happening? What are
2 you seeing? What are other young people seeing? That is what
3 we anticipate as being part of -- if you look at the settlement
4 agreement, 3.3 through 3.8 is making sure that the parties, and
5 the plaintiffs in particular -- I mean, I appreciate you
6 saying, you know, the lawyers and the litigation stance have
7 changed and we're moving more into a collaborative stance, but
8 if we were to use Mr. Ryan's analogy of the agency is the
9 quarterback, I mean, I see plaintiffs' counsel as the offensive
10 coordinators. We're still looking at the whole system, and
11 we're not going away. We will be enforcing the settlement
12 agreement and working with our -- the documents, working with
13 the neutral, working with the State, and most importantly,
14 working with our clients to make sure that we are moving the
15 needle. And if we're not, we'll come back here.

16 THE COURT: Anything else?

17 MS. BLAESING: Your Honor, I just wanted to
18 underscore that one of the pieces -- one of the large sources
19 of information that Mr. Ryan will have access to are case
20 reviews, and so the information that he's going to be receiving
21 isn't going to only be these are DHS's documents or portrayal
22 of what's going on, that it's baked into the settlement
23 agreement that he's going to have access to these ongoing case
24 reviews where he will see the actual specifics of the case
25 files like the three young women that testified today.

1 THE COURT: Mr. Ryan, anything to add, given that
2 information provided by counsel for both the plaintiff and for
3 the State of Oregon?

4 MR. RYAN: No, Your Honor, nothing more from me.

5 THE COURT: And so my understanding is when this
6 settlement agreement is theoretically and formally adopted,
7 then the work assignment is made and you're going to start
8 working; is that correct?

9 MR. RYAN: Yes. As soon as we -- as soon as I get a
10 work authorization from the State of Oregon, I think all of the
11 building blocks are in place for us to begin work. There's a
12 contract in place. We've agreed on the cadence of billing,
13 invoicing. I think as soon as I get back, I'll reach out to
14 both parties and set up a first conversation.

15 THE COURT: All right. Thank you very much. Thank
16 you for sitting in. I made that a part of my order because I
17 think, in fairness, you need to hear where we're starting from.
18 And that discussion that just took place, I'm going to be
19 confident that if you think you need to hear from other people
20 and maintain a network of information, that that ball is in
21 your court, it appears to me, in a number of different
22 provisions.

23 Anything else in the settlement agreement that you
24 have any concerns about or questions?

25 MR. RYAN: I don't have any concerns about it, Your

1 Honor.

2 THE COURT: Thank you. All right.

3 Anything that anyone wants to ask Mr. Ryan on either
4 side?

5 MS. COOPER: No further questions for Mr. Ryan.

6 MS. BLAESING: No, Your Honor.

7 THE COURT: Thank you, Mr. Ryan.

8 Now we'll move to the second, the next part, and
9 that's the discussion and argument on the settlement agreement
10 itself.

11 So I'm happy to hear -- start with plaintiffs.

12 MS. COOPER: Your Honor, I'm here to talk about two
13 topics: One, summarizing our notice efforts; and then second,
14 talking about why plaintiffs believe that this settlement
15 agreement is fair and reasonable and adequate and should
16 respectfully request your final approval.

17 But before I jump in, would you like me to summarize
18 the notice efforts or just jump into why we believe that the --

19 THE COURT: I think you should go ahead and
20 summarize.

21 MS. COOPER: Great.

22 So, as you know, the interim settlement agreement was
23 54 pages long. I can't tell you many adults, much less
24 children, are going to read 54 pages. So consistent with this
25 Court's order, we did a six-page notice that we translated into

1 five different languages: English, Spanish, Russian, Chinese
2 and Vietnamese. We also created a three-minute explainer
3 video, again understanding that we need to make this
4 information accessible to young people. And at our last count,
5 it's been seen over 5,000 times. Based on feedback we got from
6 a resource parent, we also created a QR code so that any young
7 person using their smartphone could provide feedback, and that
8 QR code has been opened over 2900 times. We sent you the
9 feedback that we received based on that QR code, so you have
10 everything that we received.

11 In addition to the notice and the video, we also sent
12 the notice via mass emails. I'll briefly describe our efforts,
13 plaintiffs' counsel, and then my understanding of defendants'
14 actions.

15 The bureau has sent over 2700 emails, and that
16 includes our newsletter as well as targeted outreach to the
17 Oregon Foster Youth Connection, New Avenues for Youth, CASAs,
18 U.S. attorneys, citizen review boards, resource families, and
19 biological families.

20 DHS has sent three separate waves of emails to foster
21 care agencies -- that was over 2200; 2,746 child welfare
22 partners; contracted providers was 1,119; and there were 2,522
23 resource families that got that notice.

24 In addition, we hosted two listening sessions where
25 we answered questions from young people, biological families,

1 resource families, and we posted those sessions on DRO's
2 website, which has also seen a lot of action.

3 THE COURT: What kind of turnout did you get for your
4 listening sessions?

5 MS. COOPER: Surprisingly low, Your Honor. Let me
6 see if I remember. I think we had -- the first was 12.

7 MS. CRIPPEN: Approximately the same, Your Honor.

8 MS. COOPER: But what we saw on our website was
9 different. Since the preliminary settlement agreement,
10 people have -- over 5,000 people have come to DRO's website,
11 with 1,400 just the settlement page. We have 7,000 views on
12 our social media and 36 news stories. So we got the word out
13 as fast as we could, and I think, based both on the feedback we
14 got and the young people who showed up today, we believe we
15 provided reasonable notice to the class.

16 THE COURT: Any objection or any comments?

17 MS. CRIPPEN: No, Your Honor. We concur with class
18 counsel.

19 THE COURT: I thought it was impressive what you were
20 doing, and I knew it was going to be a difficult group to
21 reach, but I don't know that there's any -- given the state of
22 how to reach this population, I think you did the best that was
23 possible, and clearly adequate notice was received, and it's
24 reflected in the number of hits you have on your website and
25 the number of people who have been involved. Obviously, it

1 could have been more, but it also reflects people were paying
2 attention, saw it in the news, and concluded they did not need
3 to weigh in further. I think adequate notice is clearly
4 denoted by what you represented.

5 MS. COOPER: Thank you, Your Honor.

6 I will say we're still learning. And so keeping
7 youth engaged in this process, I will still continue to try to
8 find ways to keep youth engaged, because I've heard it loud and
9 clear. As experts, we know the gaps in the system and can
10 study them from above, but it's nothing like someone who is in
11 that gap or has been in that gap to define how wide it is and
12 what bridge is needed to cross it. So I will continue to work
13 with class members on that.

14 But the next topic I want to talk to you about is why
15 plaintiffs believe this settlement agreement is fair,
16 reasonable, and adequate. But first I want to talk about what
17 we heard the young people say today and what was submitted to
18 the Court. There is a real sense of urgency, and for me this
19 underscores why we need to start implementation as soon as
20 possible. I also agree this is a beginning and not an end, and
21 that we really need to look at the State's implementation
22 efforts in years to come.

23 The one thing I wanted to also flag is there is a
24 young man named Kaleb Gambia who submitted testimony to this
25 Court. He's got some really great ideas, too, including using

1 peers as a way to help kids transition, because there's nothing
2 like someone who has been through a system to tell another
3 youth how to get through that.

4 THE COURT: Well, you know, there's organizations out
5 there, Friends of the Children, where they start with mentors
6 early on, different kinds of mentors. It's always been my hope
7 that we'd start with early intervention programs for children
8 of abuse and neglect, and they would have mentor supporters,
9 and their families, because a lot of those parents have never
10 been successful. And moving them into school age settings
11 where they've not been successful, to have a mentor getting
12 them through the school age period, and then as they transition
13 out, to have mentors. And Friends of the Children have
14 invested millions of dollars in Oregon and have begun to build
15 that system, and that certainly is something that people ought
16 to be looking into.

17 One of the -- one of my concerns raised is that I
18 want to make certain that the neutral understands that there is
19 a tremendous, tremendous, tremendous desire on the part of the
20 public to change this system to be more successful, and that
21 they are willing and able partners and need to be included and
22 reached out to. Oregon is doing some of the most model work,
23 and it's not necessarily integrated. So it needs to be
24 integrated, and that access needs to happen.

25 Friends of the Children happens to be one, if you

1 talk about mentoring and helping kids move on into their
2 adulthood, and whether we like it or not, we know what the
3 Supreme Court said on that issue, but it doesn't mean that
4 because the Supreme Court sets a floor, Oregon can't raise the
5 ceiling.

6 MS. COOPER: That's exactly right, Your Honor, and I
7 feel like my office, Disability Rights Oregon, will continue to
8 help Mr. Gambee and others like him push forward even outside
9 of this litigation.

10 But earlier we heard the neutral talk about the role
11 of the governor, and I just wanted to highlight for the Court
12 there's a separate provision in the settlement agreement,
13 paragraph 7, about the role of the governor, and it states,
14 "The governor is a party to the settlement agreement and shall
15 provide support to ODHS towards its efforts to achieve ultimate
16 outcomes."

17 That's intentional. We agree that when you have the
18 head of an executive agency show the level of commitment with
19 the agency partners, that's where you see system reform.

20 The other thing that I think is important, we've
21 talked about the neutral and Mr. Ryan's ability to add the
22 categories and the subcategories and the annual reports, but I
23 really think it's important when we think about the harm that
24 the children have experienced that I clarify that nowhere in
25 the settlement agreement is there a waiver of claims.

1 THE COURT: Nowhere in the settlement agreement is
2 what?

3 MS. COOPER: A waiver of claims. Individual youths
4 of the class can and should consider what their legal rights
5 are. We have not prohibited them from considering those
6 actions. Instead, as Ms. Blaesing mentioned earlier, this
7 agreement is a product of lengthy, several, and serious
8 informed negotiations between the parties over the past five
9 years. And this is after intensive discovery and a careful
10 investigation of all the claims. And while I have certainly
11 heard the class members say, "I want to go further, I want to
12 be more involved," there has been no allegation or no objection
13 that there is a claim or a factor of the system that has not
14 been considered in the settlement agreement.

15 And finally, the involvement of Judge Beckerman, a
16 federal magistrate that helped us in the negotiation, provides
17 assurances to this Court that the settlement was a result of
18 arm's length negotiation rather than a product of collusion or
19 the pursuit of self-interest. And this is why the plaintiffs
20 respectfully ask the Court to approve the settlement agreement
21 per Federal Rule of Civil Procedure 23.

22 Thank you.

23 MS. CRIPPEN: Thank you, Your Honor, Counsel.

24 I'm pleased to appear before the Court today to
25 advocate for final approvment of the settlement agreement.

1 The settlement agreement represents a commitment towards
2 meaningful progress within the child welfare system in Oregon.

3 And, Your Honor, I would also like to discuss two
4 case-specific factors that weigh in favor toward final approval
5 in this case. But first I would also like to acknowledge the
6 commenters that spoke up today. We agree that no child should
7 experience what Whitney, Julianna, and Rain went through. It
8 is a tremendous public service on their part for speaking up
9 today, and we hope that they stay involved.

10 The settlement agreement specifically contains a
11 provision that allows Mr. Ryan, in conducting his work, to talk
12 to young people with lived experience, and that is very
13 important.

14 We concur with class counsel that when considering
15 those comments, there is no release of individual claims for
16 damages in the settlement agreement. There are also
17 enforcement mechanisms that allow class counsel to seek -- to
18 seek enforcement of the agreement if the State is not in
19 substantial compliance.

20 We also concur with class counsel's analysis of the
21 reasons why the settlement agreement should be approved. Your
22 Honor should also consider the unique mediation process in this
23 case. As Your Honor has acknowledged, it took a long time.
24 The mediation process was unique because the parties entered
25 mediation with the same goal: to improve outcomes for children

1 entering foster care. And the question we were grappling with
2 during mediation is how do we achieve that goal and what is the
3 best structure to ensure that happens.

4 The mediation process in this case was also unique,
5 Your Honor, because of the host of individuals dedicated to
6 public service in Oregon who participated in that process. As
7 Your Honor is aware, the parties were aided tremendously by the
8 support of both the State and federal judiciary in their
9 mediation efforts. Senior Judge John Acosta served as a
10 mediator early on in the case, and although the case did not
11 settle, the parties still made progress because they were able
12 to learn more about each other's perspectives. Judge Cheryl
13 Pellegrini also served as a mediator in this case. The case
14 benefited from Judge Pellegrini's guidance. During mediation
15 with Judge Pellegrini, the parties had face-to-face policy
16 discussions about how Oregon could improve its foster care
17 system. And through that process, although the case did not
18 settle, we made progress.

19 Finally, Your Honor, we concur with class counsel
20 that Judge Beckerman's involvement in the mediation process
21 weighs in favor of approval, and we appreciate Judge Beckerman
22 for being available to serve as an arbitrator under the dispute
23 resolution process set out in the agreement.

24 Your Honor, the mediation process in this case also
25 benefited from the perspectives of two different governor

1 administrations. Former Governor Kate Brown was a named
2 defendant for a large portion of this lawsuit. When Governor
3 Brown took office in 2015, improving the child welfare system
4 was a central priority for her administration. Before she had
5 entered elective office, Governor Brown served as a child
6 advocate and juvenile law attorney, and one of the first things
7 she did when she entered office was to hire an outside
8 consultant to complete an assessment of how ODHS Child Welfare
9 can improve child safety.

10 Governor Tina Kotek replaced Governor Brown when she
11 was elected in 2022. During the 2023 legislative session,
12 Governor Kotek's administration helped secure a significant
13 increase to the reimbursement rate for children's behavioral
14 rehabilitation services providers and an increase to the
15 resource parent reimbursement rates. Governor Kotek's
16 administration participated in the mediation process in this
17 case and helped the parties end up where they are today.

18 Your Honor, the settlement is also unique because it
19 has the benefit of the input from the now commissioner of the
20 federal Administration on Children, Youth, and Families.

21 Former director of ODHS Child Welfare and former named
22 defendant in this case, Rebecca Jones Gaston, was appointed by
23 President Biden to serve in her current role as commissioner,
24 but before she was appointed, she participated in the mediation
25 process and participated in those face-to-face policy

1 discussions with class counsel. Her input was valuable for
2 building the foundation for where the parties are today.

3 Class counsel at Disability Rights Oregon and A
4 Better Childhood have subject matter experience. We share the
5 common objective, and we negotiated the settlement with all of
6 our skill and resources to get where we ended up today.

7 Your Honor has also allowed the time and space within
8 this litigation for the parties to complete a lengthy mediation
9 process. The number of perspectives from individuals who care
10 deeply about the Oregon public and who are dedicated to public
11 service in various capacities, Your Honor, weighs in favor of
12 final approval of the settlement.

13 I moved to Oregon to attend law school here in
14 Eugene. One of the first things I learned when I came here is
15 that leaders in Oregon don't just do things because that's the
16 way other people have done it or that's the way it's always
17 done. Instead, they look for ways to do it better, more
18 equitably, and more effectively. The settlement agreement in
19 this case is an example of that. It represents what the
20 parties have agreed is the best route to achieve better
21 outcomes for children experiencing foster care.

22 Under the settlement, Mr. Ryan, who is also a subject
23 matter expert, will collaborate with the agency and the
24 community to set goals for improvement in six areas. The six
25 areas were intentionally identified as the areas where we

1 really need to focus under the settlement agreement. The
2 settlement does not contain 60 areas for improvement, it
3 contains six, because we're going to be successful.

4 Mr. Ryan will also assess ODHS Child Welfare, and he
5 can identify two additional areas for focus. The result, Your
6 Honor, of this mediation process is an innovative settlement
7 agreement that we hope can be a model for other jurisdictions
8 who share our goal.

9 Accordingly, Your Honor, we ask that the Court
10 consider the unique mediation process and those involved when
11 deciding whether to approve this settlement.

12 Your Honor, I'll just make one more point. Mr. Ryan
13 discussed the importance of building fundamentals to support
14 system change. When Your Honor is considering whether to
15 approve the settlement agreement in this case, the Court should
16 consider the agency's -- that the agency has demonstrated its
17 capacity to make those fundamental system improvements and to
18 be successful under the settlement.

19 I won't discuss every improvement that ODHS Child
20 Welfare has made, but I'd like to touch on a few key
21 improvements that weigh in favor of final approval in this
22 case. The agency has developed a strategic plan called the
23 Vision for Transformation. The Vision for Transformation
24 focuses on safety and prevention so that families can stay
25 together safely. Oregon has received national recognition for

1 its focus on prevention, and through the implementation of the
2 Vision for Transformation, the number of children who must
3 enter foster care has significantly decreased. The Vision for
4 Transformation also focuses on improving work force development
5 so that staff have the competency, tools, and time that they
6 need to perform their jobs at that gold standard level. That
7 is consistent with Mr. Ryan's first lesson of the five lessons
8 that he's learned for system improvement.

9 As part of that work, Your Honor, the agency has
10 developed caseload standards that are evidence based and
11 consistent with national best practice. The agency used --
12 then used those caseload standards to advocate to the
13 legislature for additional funding, and secured that funding
14 during the 2023 legislative session.

15 Finally, Your Honor, the agency has developed a
16 nationally recognized continuous quality improvement program.
17 That program uses data and measures as a tool to measure
18 progress and identify areas of focus for the agency. The
19 agency has developed public-facing dashboards where it
20 publishes this data to the public.

21 As Mr. Ryan has acknowledged, Mr. Ryan's work in this
22 state will be different than in other states. Oregon's
23 improvements to its continuous quality improvement program
24 means that Mr. Ryan doesn't have to spend his time doing data
25 validation. He can collaborate with the agency leadership, the

1 community, and class counsel to ensure that the agency is
2 getting to where it needs to be.

3 In another jurisdiction involving similar claims that
4 were brought in this case, the court-appointed neutral
5 monitoring these, Your Honor, cost taxpayers over a million
6 dollars a month, over \$12 million a year. The fact that
7 Mr. Ryan is able to serve as a neutral in this case for truly a
8 fraction of those -- that cost is a testament to Oregon's
9 improvements to its EQI program.

10 The agency leadership and its staff have achieved
11 those results through sustainable and thoughtful efforts.
12 Director Pakseresht has spent his career in public service,
13 spending decades working to improve the lives of Oregonians.
14 He's a systems thinker. He pushes for innovation and has
15 championed for the use of data.

16 Director Flint-Gerner has decades of experience in
17 child welfare. She began her career as a caseworker. She has
18 expertise in child welfare work force development, cross-system
19 engagement, and program implementation. It is key, Your Honor,
20 in the success of children in our state that agencies
21 collaborate with each other. She has centered equity in the
22 work of ODHS Welfare during the time that she's been here, and
23 she has pushed the agency forward on its focus on prevention so
24 that families can stay together.

25 Deputy Director of ODHS Child Welfare Lacey Andresen

1 is also here today. Although she's not a named defendant,
2 she's a key part of ODHS Child Welfare's leadership team, and
3 has decades of experience in child welfare. Ms. Andresen will
4 continue to play a key role under the settlement.

5 This settlement agreement, like this lawsuit, does
6 not address every child welfare program area, but for the areas
7 covered by the settlement, it establishes a framework to step
8 forward. We agree that this is a start, not the end.

9 The settlement agreement creates accountability so
10 that progress can continue in the areas outlined in the
11 agreement, and for the areas not covered, ODHS Child Welfare is
12 committed to continuing its implementation of its strategic
13 plan, Decision for Transformation. And most importantly, Your
14 Honor, the settlement agreement's terms have been carefully
15 crafted so that the settlement does not interfere with any of
16 that ongoing effort.

17 Your Honor, the foundation and the fundamentals of
18 system change are already in progress, and we are optimistic
19 that those improvements will continue. We appreciate those who
20 have submitted comments about their experiences in foster care.

21 Your Honor, the record before the Court and the
22 parties' motion for joint approval of the settlement agreement
23 confirms this Court's prior ruling granting preliminary
24 approval of the agreement. Though we disagree that the
25 evidence in this case would have supported a finding of

1 deliberate indifference supporting constitutional violations,
2 we have always acknowledged that we should strive to improve.
3 We appreciate those who have spoken up today.

4 Your Honor, we ask that the Court approve the
5 settlement agreement and enter the parties' proposed form of
6 judgment. There is more work to be done, and Oregon is ready
7 to do it.

8 Thank you.

9 THE COURT: All right. We're going to take a brief
10 recess.

11 THE CLERK: Court is in recess.

12 (A recess is then taken.)

13 THE COURT: This has been a very important day on
14 many levels, and I first want to pay tribute again to the
15 individuals who had the courage to come forward and speak and
16 also to the individuals who wrote comments. They were
17 important. I really wasn't certain today whether we would have
18 a number of people show up and be disgruntled and think this
19 settlement agreement didn't go far enough and didn't reach the
20 issues that were affecting or had affected their lives. I
21 wasn't sure what to expect. But I knew we would have a review
22 that was thorough because of the lawyering done in this case,
23 because everything has been frankly -- I'm going to say the
24 word "over-lawyered" to beyond belief.

25 I am indebted to Judge Acosta, who took this case

1 from the initial scheduling order to start settlement
2 discussions with the parties and put this on the path where we
3 are today. This is five years too late in the process to have
4 this case conclude, but we're going to conclude and we're going
5 to conclude on a high note. There is so much work to be done,
6 and it needs to start today. So I'm grateful that Judge Acosta
7 took a run and tried to settle this case. I know he had it for
8 at least a year and a half. He was dogged and wanted very
9 badly to see it resolve before we got into the massive
10 litigation that needed to take place or did take place.

11 Second, Cheryl Pellegrini I've known since she was a
12 prosecutor in Klamath Falls and went to the bench and has
13 served in the state system, and she understood this system
14 very, very well. And I had every confidence in her abilities.
15 She's a pragmatist and she's a very competent and capable
16 circuit court judge, and I was grateful for her taking on the
17 opportunity to try to solve this case.

18 And then Judge Beckerman, who I spoke to and talked
19 to throughout the process, was pretty dogged in trying to make
20 certain that this got done, because she, too, could see,
21 frankly, the hemorrhaging of resources that badly need to go to
22 children, and this needed to come to an end.

23 And, frankly, you can only project what a trial might
24 have been like for a month to two months, hearing one person
25 after another, as we heard this morning. And I know we were

1 going to hear a lot of that. I fully expected -- I've been in
2 the system a long time, and that would be very, very hard and
3 make it more difficult for either side to come to an agreement
4 such as this, that I hope we start from today and people put
5 behind their biases, prejudices, need to be right, need to be
6 perfect, need that we're in charge, power and control, and
7 really look at what can be accomplished when people want
8 excellence in this system and realize that children are the
9 measure of our success individually as parents and family
10 members, but most importantly as a community.

11 And my hope is at the end of whenever this agreement
12 concludes -- and I actually have a strong belief that it can
13 conclude much sooner than the anticipated 10 or 12 years if
14 people have the will to accomplish the work they say they want
15 to get done, I have a belief and a confidence in that
16 possibility, primarily because of Kevin Ryan. This agreement
17 is going to be handed to a consummate expert and professional
18 who I am extraordinarily grateful accepted this responsibility
19 and brings to Oregon the wealth of information gained from a
20 system that had Post-It Notes for tracking, to systems where
21 he's developed computerized systems to track kids and families.
22 So the fact that Oregon gets to start with -- we've done some
23 of that work. You go back to when he was starting in New
24 Jersey, it was early 2000s. So we're at almost 2025. I hope
25 in 25 years we've got something better than Post-it Notes, and

1 maybe a computerized system that's fairly current, if not maybe
2 state of the art. I would like to make it state of the art,
3 and I hope when Mr. Ryan does his first report he's able to
4 articulate to the Court how developed this system is and how
5 maybe further or what the possibilities might exist. We do
6 live in a university community in Oregon where there are access
7 to some of the top people to make certain we have the best in
8 tracking children and families in our system.

9 So I have a great deal of gratitude for, again, Judge
10 Acosta, Judge Pellegrini and Judge Beckerman.

11 But Judge Beckerman, she doesn't get off the hook so
12 easily. Judge Beckerman is tied to this agreement and will be
13 the person who is the go-to, so to speak, for any preliminary
14 disputes. She knows how hard fought this agreement was. She
15 knows the intricacies of the settlement negotiation, what was
16 left on the cutting room floor, so to speak, and what ended up
17 in the final documents, and what the intent of the parties, and
18 what's possible. And she has, like Judge Acosta and Judge
19 Pellegrini, we have high expectations about what's possible,
20 and I think she will hold people's feet to the fire. So she
21 has the -- she has the gratitude and the appreciation and the
22 thank you from me because she's willing to continue that
23 ongoing responsibility, and at the same time not be willing to
24 settle, to actually expect people to do something more.

25 So there's a lot to be thankful for.

1 I appreciate that we had sitting in players from the
2 state agencies, including Mr. Fariborz and the governor's
3 designated subject matter expert. Because, to be honest, Kevin
4 Ryan is going to give whoever is in a leadership position --
5 this is my prediction: Kevin Ryan will give whoever is in a
6 leadership position the chance to find enormous professional
7 success in transforming this system and improving it to the
8 extent where Oregon can be used around the country as a state
9 model for services. There is a lot to be gained from what New
10 Jersey has been through. There is an enormous amount to be
11 gained from what Oklahoma has been through and how they're
12 about to exit the process, and Michigan as well. Michigan, I
13 spent hours on the phone with the respective judges managing
14 each of the cases in those jurisdictions, and to a person, they
15 talked about the problems they were having in their districts,
16 the difficulties between people working together and not
17 working together, the turf, the control, the power, the
18 battles, they all have those same constellations of problems.
19 We have them here in Oregon.

20 And what I really find inspiring and hopeful is that
21 in watching Mr. Ryan today, he has an upbeat belief in
22 possibilities, and he's not beaten down by those processes and
23 those incredibly difficult conversations and goals. He is
24 actually pretty darned excited and inspired about what he can
25 accomplish in Oregon, and he's repeated that to me multiple

1 times, even through the arduous negotiations of the contract,
2 which I know a bit about. So he's the real deal, he's a very
3 lucky hire for Oregon, and I'm confident he will make the
4 legislature and the Governor's Office and the Department of
5 Human Resources look much better to the public in terms of what
6 they're accomplishing on behalf of kids, because he's going to
7 focus on basics. When you get the basics right, you have the
8 opportunity to add and do a lot more work. So the sooner we
9 can get the basics done, the better. So this is all comments
10 made in terms of trying to evaluate the formality of granting
11 final approval of the settlement.

12 There is, without a doubt, an understanding that this
13 is, frankly, from the day one, this is exactly the way this
14 case should have settled. It should settle with ongoing
15 improvement to move Oregon in a direction where when a child is
16 taken into care, that child is going to benefit and have a
17 better situation than they are left with -- than if they were
18 left in their current circumstances. And when the State has
19 responsibility for that child, that child will be given an
20 opportunity to develop, enhance, and not necessarily have to be
21 a victim of additional sets of difficulties, many of which we
22 heard about today.

23 So it's a fair -- it's a fair approach to how best to
24 do a system's look and a systems change, is to set up the model
25 and set up the criteria, have a neutral or an expert in this

1 field that will help guide how that should be done with the
2 level of experience that he has, and then the parties work
3 diligently to execute. This document is just a piece of paper
4 unless people actually execute what's on the pages.

5 So it's a fair and reasonable settlement. It
6 appears, in listening to the individuals and reading the
7 submissions, that the subclasses feel that their issues have
8 been addressed or will be a part of the process. And so on all
9 levels, I believe this settlement agreement touches on the
10 issues that needed to be addressed by this case and as part of
11 the settlement, so I believe they're adequate and will be
12 fleshed out with the work of the neutral.

13 There is no doubt that this was an arm's length
14 transaction because none of you were getting along, including
15 little details of scheduling. There was no common ground early
16 in this case. So the fact you came to common ground with the
17 help of Judge Beckerman and with the help of mediation and put
18 some goals in place and acquiesced that there was a need to
19 take a look at the system differently and how best to market
20 and measure those achievable goals and expectations of this DHS
21 system, the fact that you came to an agreement through that
22 mediation process, I can, without a doubt, make the finding
23 that this was an arm's length transaction, and but for Judge
24 Beckerman's willingness to kind of roll up her sleeves and stay
25 with it, we would have lost this on a number of nuances, I

1 suspect, or little nits that we should not lose a settlement
2 on. So I respect very much her work and can say with strong
3 opinions, arm's length and done with good faith negotiations
4 between the parties. And clearly there were experienced
5 lawyers on both sides, and many of them. So the fact that you
6 all reached agreement also speaks volumes.

7 You know, I gave approval to the preliminary order.
8 There's nothing really changed, and to be honest, it's a
9 written document. It's a piece of paper. The issue on whether
10 there's a settlement in this case is whether anything is
11 achieved, and that's what any judge is going to look forward to
12 is, is it just a piece of paper and we're going to get a report
13 every year and check the box, or are you going to have a report
14 such that the State of Oregon and the taxpayers say, wow, this
15 really made a difference for the State of Oregon and our
16 children are safer? There aren't the news reports that are in
17 periodically and more frequently than we care all over the
18 state with difficulties, that we have solutions that people are
19 willing to look at creative ways to do better work and an
20 opportunity to have everybody be heard.

21 I can only tell you, having been literally on the
22 bench for 37 years, and practicing ten years before that, that
23 if we ever get this right, if we ever decide children are the
24 most important priority of government, that being born into a
25 family shouldn't dictate that they are stuck, that the State

1 can step in and provide that child with a safe, positive
2 opportunity for a life and an education while the family either
3 gets their life back together and they return to their home
4 safely, or they're not able to return to their home safely, and
5 they find permanency with a loving family that will take them
6 in either by adoption or a guardianship or some other form,
7 that when we get that right, we make a big difference in
8 education and the cost of budgets. We make a big difference in
9 the numbers of prisons we have to build. We make a big
10 difference in the economy generally in Oregon. So if people
11 can focus on putting children first in budgets, in policies, in
12 choices, in hirings, in getting the best, supporting the best,
13 willing to be self-examined as a system, and hearing from the
14 people they serve as their most important constituency, we have
15 a shot at getting this right and doing a very good job in
16 Oregon.

17 And I'm a glass half full person, that this
18 agreement, once people finally got serious about wanting to
19 resolve this case and not come in here and have, frankly, what
20 would have been a very difficult trial, when people got serious
21 about it and set in motion that process, as long as they stay
22 committed to the word "collaboration," and as long as they stay
23 committed to making sure people are heard and they look for
24 every opportunity not just to meet the settlement document but
25 to exceed the settlement document, then we will really have

1 done something remarkable for Oregon, and all of us can be
2 incredibly proud of this work.

3 But I'm looking over to the young people. I want you
4 to hold everyone's feet to the fire and be a vocal spokesperson
5 for your generation. It's time. We need to -- everybody needs
6 to be held accountable. We talk a good game that we want to do
7 something different. When are we actually going to do it?

8 I think Oregon right now has a chance to do it. I
9 have confidence that if Governor Kotek and her staff really put
10 their shoulder to this agreement, along with the legislature
11 and the leadership of DHS, and decide that this is a priority,
12 they will be rewarded in terms of public goodwill and the
13 goodwill of the next generations, because somebody really
14 stepped up for the children, who again are our most precious
15 resource in this state.

16 So with that said, I'm going to find that this
17 settlement agreement meets all the requirements and should be
18 finalized today.

19 And I wanted to step back and take a look at
20 everything so I could sign it, because, very frankly, Mr. Ryan,
21 I want to just tell you I think you're late for work. I want
22 to get you on a -- busy and making a difference in this state
23 because -- none of you probably had the privilege of talking to
24 the individual judges I spoke to, and to a person -- and I
25 think most particularly the judge in Oklahoma, who is not a

1 subject matter expert at all in this field -- in fact, far from
2 it -- he has told me it is his best life's work to have done
3 the settlement work and what he's accomplished in Oklahoma,
4 best work ever.

5 I spoke to the judge in Texas. That's a whole
6 different story. We didn't get into it today, but she has my
7 deep admiration. She can't say enough about what Mr. Ryan did
8 to change and improve the lives of children in Texas.

9 I spoke directly to the judge in Michigan, who also
10 said it was the privilege of her career to be part of this
11 process and to see Michigan make a difference for their
12 children, a very complicated state and very, very long way to
13 go when they started with, oh, gosh, 60 or 70 categories to
14 work on. I mean, the tasks they took on were daunting. Same
15 with Oklahoma, the number of tasks that they took on.

16 So if we're correct and we have these six or seven,
17 maybe eight or up to ten categories in Oregon, we can make a
18 difference. We will have built something on top of the success
19 of these other states, and to each of those judges in each of
20 those states, we owe them a debt of gratitude because they're
21 part of the settlement process as well.

22 With that, I'm going to sign the document. And
23 Mr. Ryan, I hope they get you that work order, and I look
24 forward to seeing you in Oregon.

25 MR. RYAN: Thank you, Judge.

1 THE COURT: Is there anything else we need to take up
2 today?

3 MS. COOPER: No, Your Honor. Thank you.

4 THE COURT: Thank you everybody for your time and
5 your work in this case. And I think by taking some of the time
6 we took today to put some things on the record, the spirit of
7 this agreement is understood, the document speaks for itself,
8 but I always believe that the only way you really can make the
9 kind of changes you need is to understand the spirit and the
10 intent of the agreement, and the intent is to better the lives
11 of the children taken into care in Oregon.

12 So good luck. Thank you.

13 MS. COOPER: Thank you.

14 THE COURT: We're in recess.

15 (Proceedings concluded at 2:08 p.m.)
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I certify, by signing below, that the foregoing is a correct transcript of the record of proceedings in the above-entitled cause. A transcript without an original signature or conformed signature is not certified.

/s/Bonita J. Shumway

September 30, 2024

BONITA J. SHUMWAY, CSR, RMR, CRR
Official Court Reporter

DATE

MR. MARKOWITZ: [1] 4/1	-	3.10 [1] 104/17
MR. RIZZO: [1] 3/18	--o0o [1] 135/2	3.10.1 [1] 104/20
MR. RYAN: [30] 68/3 70/9 70/11 74/21 79/3 79/7 79/15 81/16 83/25 85/2 87/21 90/18 90/22 91/24 94/3 94/24 95/8 96/10 96/15 96/20 97/3 98/1 98/13 100/2 102/3 102/11 107/4 107/9 107/25 133/25	/	3.12 [1] 103/1
MR. STENSON: [2] 3/20 69/12	/s/Bonita [1] 135/9	3.3 [1] 106/4
MS. ANDRESEN: [1] 5/2	1	3.8 [1] 106/4
MS. BENEDETTO: [1] 3/16	1,119 [1] 109/22	30 [4] 52/2 81/10 81/24 135/9
MS. BLAESING: [4] 3/23 102/14 106/17 108/6	1,400 [1] 110/11	301 [1] 2/23
MS. COOPER: [33] 3/11 6/12 6/21 12/22 13/1 17/9 21/20 22/19 27/8 27/20 27/25 37/4 66/6 66/17 66/22 67/3 67/16 100/9 100/23 104/16 105/16 105/19 105/24 108/5 108/12 108/21 110/5 110/8 111/5 113/6 114/3 134/3 134/13	1.2 [1] 105/21	326-8188 [1] 2/24
MS. CRIPPEN: [12] 4/4 4/17 4/25 5/3 5/9 5/15 6/19 67/18 68/13 110/7 110/17 114/23	10 [2] 42/18 125/13	330 [1] 2/8
MS. CROOKS: [3] 37/9 37/13 66/3	1000 [1] 2/23	335 [1] 7/15
MS. CURRANS-HENRY: [2] 83/11 84/24	10017 [1] 2/15	335 miles [1] 8/16
MS. ERICKSON: [45] 21/22 21/25 22/5 22/13 22/25 23/3 23/13 23/21 24/3 24/8 24/11 24/14 24/22 25/5 25/15 25/18 25/20 26/8 27/18 27/24 28/1 28/19 28/22 30/17 30/21 30/24 31/3 31/6 31/9 31/24 32/21 32/23 33/1 33/4 33/6 33/10 33/13 33/19 34/17 35/18 36/7 36/16 36/19 36/24 37/2	10:04 [1] 3/2	35 [1] 81/10
MS. FLINT-GERNER: [1] 4/23	11 [2] 10/1 57/23	355 [1] 2/15
MS. LOWRY: [1] 3/14	12 [8] 1/6 3/2 9/11 39/19 81/13 87/2 110/6 125/13	36 [3] 70/25 81/10 110/12
MS. PARRISH: [49] 37/15 37/22 38/4 38/7 38/15 38/19 38/21 38/25 39/3 39/25 46/2 46/23 47/23 48/5 48/8 48/10 50/18 51/9 51/20 52/14 52/24 53/21 55/15 56/2 56/19 57/13 57/23 58/3 58/12 58/20 58/25 60/14 61/8 61/17 62/8 62/11 62/14 62/18 62/21 63/1 63/6 64/3 64/6 64/9 64/12 65/1 65/19 65/23 66/5	12th [1] 13/22	37 [1] 130/22
MS. ROGERS: [25] 7/1 7/18 7/22 8/6 8/9 8/13 8/18 8/21 8/24 9/3 9/21 10/24 12/8 12/13 12/16 12/19 13/3 13/12 16/16 16/22 17/8 17/10 19/22 19/24 21/17	1300 [1] 2/8	4
THE CLERK: [1] 123/11	14 [6] 7/7 8/15 21/14 27/1 86/24 87/6	4,000 [2] 74/10 79/6
THE COURT: [191]	1455 [1] 2/19	5
THE COURTROOM DEPUTY: [4] 3/4 22/2 22/9 67/4	15 [7] 8/13 8/14 8/16 10/9 42/18 87/7 87/24	5,000 [2] 109/5 110/10
\$	16 [4] 2/15 10/10 79/7 79/11	50 [2] 77/9 103/21
\$12 [1] 121/6	16,000 [1] 70/24	503 [1] 2/24
\$12 million [1] 121/6	16-year-old [2] 26/5 26/8	511 [1] 2/11
\$2,216 [1] 40/1	17 [3] 31/3 31/4 79/7	54 [2] 108/23 108/24
\$500 [2] 25/23 43/20	17,000 [3] 70/24 79/7 79/11	556 [1] 3/5
\$800 [1] 25/23	17-year-olds [1] 10/10	560 [1] 2/5
'	18 [8] 8/10 8/11 8/25 18/3 31/2 31/3 72/20 76/17	6
'20 [1] 8/14	18-plus [1] 35/8	60 [3] 72/21 119/2 133/13
'95 [3] 53/11 53/11 91/7	18th [2] 8/23 90/4	64 [1] 25/22
'they' [1] 72/1	19-556 [1] 3/5	6:19-cv-00556-AA [1] 1/4
	1900 [1] 2/19	7
	2	7,000 [1] 110/11
	2,522 [1] 109/22	70 [4] 70/8 70/11 72/21 133/13
	2,746 [1] 109/21	700 [1] 2/5
	2.7 [1] 101/6	8
	20 [2] 77/10 103/21	80 [2] 72/21 78/1
	200 [1] 2/11	8188 [1] 2/24
	2000s [1] 125/24	9
	2006 [1] 71/12	97201 [2] 2/8 2/19
	2012 [1] 81/4	97204 [2] 2/5 2/23
	2015 [1] 117/3	97205 [1] 2/12
	2017 [1] 10/1	A
	2022 [1] 117/11	a.m [1] 3/2
	2023 [2] 117/11 120/14	AA [1] 1/4
	2024 [3] 1/6 3/2 135/9	abilities [1] 124/14
	2025 [1] 125/24	ability [14] 13/24 36/2 51/3 51/12 52/20 60/17 60/24 97/21 100/21 101/22 104/12 105/2 105/9 113/21
	21 [3] 87/24 88/7 89/20	able [18] 14/23 15/24 20/19 20/23 25/24 27/19 38/13 50/9 54/12 55/13 72/6 80/24 86/23 112/21 116/11 121/7 126/3 131/4
	2200 [1] 109/21	about [133] 7/20 9/19 10/24 14/3 14/25 15/10 15/14 18/7 28/13 28/24 29/4 30/2 30/2 30/5 30/6 31/19 32/9 34/25 38/12 38/14 39/19 41/1 43/20 45/3 47/1 47/10 51/4 51/17 52/17 53/19 54/9 54/13 54/19 56/18 57/23 58/11 59/21 61/13 61/14 61/25 61/25 63/2 63/3 66/13 67/2 68/5 71/1 72/9 74/9 74/15 74/16 74/24 77/5 77/15 78/12 78/13 79/1 79/6 79/7 81/12
	23 [1] 114/21	
	232 [2] 86/7 86/8	
	233 miles [1] 7/8	
	24 [1] 81/22	
	25 [2] 39/13 125/25	
	26 [1] 46/8	
	2700 [1] 109/15	
	2900 [1] 109/8	
	2:08 [1] 134/15	
	3	
	3.1.2 [1] 100/11	

<p>A</p> <p>about... [73] 81/12 81/15 82/10 82/13 82/14 84/12 84/19 85/18 85/19 85/25 87/16 87/19 90/7 90/12 91/17 91/19 91/19 91/20 91/25 91/25 92/1 92/16 92/16 92/24 93/6 93/8 93/15 93/17 94/23 95/12 96/20 97/12 98/5 99/5 99/19 99/22 100/4 101/1 101/5 101/14 101/15 101/16 102/18 102/18 103/6 103/13 103/17 103/20 104/18 107/24 107/25 108/12 108/14 111/14 111/16 113/1 113/10 113/13 113/21 113/23 116/12 116/16 118/10 122/20 126/19 127/12 127/15 127/24 128/2 128/22 131/18 131/21 133/7</p> <p>about: [1] 54/11</p> <p>about: getting [1] 54/11</p> <p>above [5] 84/20 85/16 87/7 111/10 135/6</p> <p>above-entitled [1] 135/6</p> <p>absolute [1] 46/4</p> <p>absolutely [6] 36/18 47/24 62/14 79/15 94/11 101/12</p> <p>absorb [1] 92/6</p> <p>abuse [10] 7/25 18/18 34/6 35/5 35/6 69/19 70/20 82/1 84/18 112/8</p> <p>abused [6] 25/8 25/9 25/12 25/15 25/16 44/11</p> <p>abusing [1] 29/15</p> <p>abusive [2] 17/23 39/10</p> <p>academics [1] 54/5</p> <p>accept [1] 48/11</p> <p>accepted [2] 90/13 125/18</p> <p>access [14] 12/3 17/20 72/13 73/2 73/20 80/22 103/25 104/3 104/18 105/12 106/19 106/23 112/24 126/6</p> <p>accessible [1] 109/4</p> <p>accommodations [1] 5/20</p> <p>accomplish [3] 15/11 125/14 127/25</p> <p>accomplished [5] 15/1 15/10 84/22 125/7 133/3</p> <p>accomplishing [1] 128/6</p> <p>accomplishment [1] 21/7</p> <p>Accordingly [1] 119/9</p> <p>accountability [5] 11/12 11/17 11/22 75/13 122/9</p> <p>accountable [3] 46/13 56/23 132/6</p> <p>accuracy [1] 104/22</p> <p>accurate [4] 37/25 71/14 90/17 91/14</p> <p>accurately [1] 56/14</p> <p>accustomed [1] 61/4</p> <p>achievable [2] 103/19 129/20</p> <p>achieve [3] 113/15 116/2 118/20</p> <p>achieved [3] 74/3 121/10 130/11</p> <p>achieving [3] 54/19 82/25 92/21</p> <p>acknowledge [2] 10/25 115/5</p> <p>acknowledged [3] 115/23 120/21 123/2</p> <p>Acosta [5] 116/9 123/25 124/6 126/10 126/18</p> <p>acquiesced [1] 129/18</p> <p>across [7] 11/2 11/20 14/1 16/19 60/7 92/11 99/22</p> <p>act [2] 9/12 48/21</p> <p>acting [3] 28/15 28/25 48/21</p> <p>action [2] 69/14 110/2</p>	<p>actions [2] 109/14 114/6</p> <p>actively [1] 76/23</p> <p>actual [1] 106/24</p> <p>actually [24] 17/1 22/18 35/24 37/9 38/4 38/12 45/7 52/25 56/2 57/20 64/20 69/8 73/1 75/13 75/23 76/3 76/13 94/12 94/19 125/12 126/24 127/24 129/4 132/7</p> <p>acute [1] 45/2</p> <p>add [4] 101/7 107/1 113/21 128/8</p> <p>added [1] 104/25</p> <p>addition [9] 84/16 89/7 89/18 92/6 101/19 102/9 103/8 109/11 109/24</p> <p>additional [6] 34/2 34/13 101/8 119/5 120/13 128/21</p> <p>additions [1] 6/17</p> <p>address [8] 12/23 14/24 15/17 29/22 34/4 34/7 91/13 122/6</p> <p>addressed [4] 25/9 35/25 129/8 129/10</p> <p>addresses [1] 101/23</p> <p>adequate [10] 34/7 34/15 35/25 75/11 91/12 108/15 110/23 111/3 111/16 129/11</p> <p>adequately [1] 15/2</p> <p>administration [4] 117/4 117/12 117/16 117/20</p> <p>administrations [1] 117/1</p> <p>admiration [1] 133/7</p> <p>admire [4] 13/5 13/6 21/6 58/23</p> <p>admissions [1] 73/7</p> <p>adopt [1] 57/25</p> <p>adopted [4] 32/6 40/23 82/24 107/6</p> <p>adoption [1] 131/6</p> <p>adoptions [1] 73/11</p> <p>adoptive [2] 55/20 76/18</p> <p>adrenaline [1] 23/21</p> <p>adult [3] 9/5 41/12 44/1</p> <p>adulthood [1] 113/2</p> <p>adults [1] 108/23</p> <p>advanced [1] 36/1</p> <p>advantage [1] 79/12</p> <p>advantages [1] 14/22</p> <p>advertising [2] 75/20 77/6</p> <p>advisor [2] 5/11 83/12</p> <p>Advisory [1] 103/10</p> <p>advocate [5] 69/17 71/16 114/25 117/6 120/12</p> <p>affect [1] 12/3</p> <p>affected [1] 123/20</p> <p>affecting [2] 10/9 123/20</p> <p>after [17] 7/4 16/14 46/20 50/4 57/24 69/22 89/5 90/4 93/3 93/13 97/17 100/19 100/20 102/5 103/1 114/9 124/25</p> <p>again [35] 4/15 5/7 9/13 10/6 13/4 18/17 19/12 34/12 35/2 39/23 42/3 48/19 48/19 48/19 48/19 49/13 49/20 50/8 54/17 55/12 55/17 55/19 55/19 61/5 61/8 61/22 77/19 84/3 104/13 105/13 105/23 109/3 123/14 126/9 132/14</p> <p>against [3] 9/7 9/8 20/12</p> <p>age [10] 7/7 18/3 40/14 41/24 42/20 44/1 44/2 49/24 112/10 112/12</p> <p>aged [2] 7/4 88/1</p> <p>agencies [8] 78/9 83/4 95/22 98/11 100/14 109/21 121/20 127/2</p> <p>agency [33] 69/23 70/3 70/16 70/16</p>	<p>71/19 72/20 78/23 83/3 83/6 85/10 85/16 87/10 88/23 92/15 94/2 94/11 95/10 100/1 106/8 113/18 113/19 118/23 119/16 119/22 120/9 120/11 120/15 120/18 120/19 120/25 121/1 121/10 121/23</p> <p>agency's [2] 71/16 119/16</p> <p>ages [2] 8/15 87/24</p> <p>aggregate [2] 104/22 105/3</p> <p>aggressive [1] 40/15</p> <p>aging [3] 12/4 87/17 89/17</p> <p>aging-out [1] 87/17</p> <p>ago [7] 33/18 64/11 64/16 81/13 87/3 87/7 87/23</p> <p>agree [16] 11/25 13/12 30/13 52/16 53/8 56/15 64/13 67/16 103/24 104/6 104/9 104/16 111/20 113/17 115/6 122/8</p> <p>agreed [3] 100/3 107/12 118/20</p> <p>agreement [59] 7/3 14/17 35/15 97/7 100/10 101/7 101/11 102/10 102/17 102/24 104/17 106/4 106/12 106/23 107/6 107/23 108/9 108/15 108/22 110/9 111/15 113/12 113/14 113/25 114/1 114/7 114/14 114/20 114/25 115/1 115/10 115/16 115/18 115/21 116/23 118/18 119/1 119/7 119/15 122/5 122/9 122/11 122/22 122/24 123/5 123/19 125/3 125/11 125/16 126/12 126/14 129/9 129/21 130/6 131/18 132/10 132/17 134/7 134/10</p> <p>agreement's [1] 122/14</p> <p>ahead [9] 4/16 6/20 32/23 36/2 68/18 84/25 91/14 93/21 108/19</p> <p>aided [1] 116/7</p> <p>AIKEN [3] 1/16 12/24 66/10</p> <p>akin [1] 45/19</p> <p>al [4] 1/3 1/6 3/5 3/5</p> <p>alarms [1] 44/16</p> <p>alcohol [3] 17/23 25/3 63/24</p> <p>alcoholic [1] 28/8</p> <p>align [1] 102/12</p> <p>alignment [1] 92/9</p> <p>Alisha [1] 52/4</p> <p>alive [2] 57/5 59/2</p> <p>all [90] 4/2 5/13 5/16 6/17 11/25 14/20 14/24 15/20 18/23 19/17 23/3 24/12 24/20 25/20 26/2 26/2 27/11 30/15 31/4 31/12 33/23 37/17 37/24 38/11 39/1 39/9 40/20 41/3 41/15 42/19 43/16 44/18 45/12 46/8 47/2 47/8 47/25 49/4 54/21 56/7 56/17 56/22 57/6 57/10 57/15 57/19 58/22 64/7 67/7 68/14 70/17 71/17 71/18 72/16 73/13 74/1 74/21 75/2 75/9 77/1 78/6 78/16 78/21 86/1 86/23 93/14 93/19 93/21 93/21 94/9 94/17 97/11 98/11 103/6 103/13 104/18 107/10 107/15 108/2 114/10 118/5 123/9 127/18 128/9 129/8 130/6 130/17 132/1 132/17 133/1</p> <p>allegation [1] 114/12</p> <p>allegations [1] 81/18</p> <p>alleged [2] 69/15 69/24</p> <p>allow [2] 17/17 115/17</p> <p>allowed [3] 42/5 56/4 118/7</p> <p>allows [2] 59/14 115/11</p> <p>almost [7] 8/16 40/12 45/8 80/6 94/12</p>
---	---	---

<p>A</p> <p>almost... [2] 97/8 125/24</p> <p>along [4] 5/4 5/10 129/14 132/10</p> <p>already [8] 11/25 23/19 35/10 85/14 102/9 103/7 103/17 122/18</p> <p>also [53] 4/5 4/7 4/18 5/1 10/17 10/19 11/4 13/6 13/12 14/10 16/22 26/21 55/12 56/3 71/9 73/19 76/20 82/11 83/20 85/4 85/7 86/2 86/19 87/8 87/25 89/17 95/17 99/12 101/12 109/2 109/6 109/11 110/2 111/1 111/20 111/23 115/3 115/5 115/16 115/20 115/22 116/4 116/13 116/24 117/18 118/7 118/22 119/4 120/4 122/1 123/16 130/6 133/9</p> <p>although [6] 10/18 11/16 59/20 116/10 116/17 122/1</p> <p>always [15] 42/7 43/14 51/18 51/19 53/13 60/20 67/11 88/25 97/9 101/18 105/5 112/6 118/16 123/2 134/8</p> <p>am [21] 5/17 10/25 13/5 13/21 14/7 14/10 14/14 22/21 24/19 24/24 31/10 32/21 47/5 48/10 59/11 59/20 83/13 83/20 92/4 123/25 125/18</p> <p>amazing [1] 30/12</p> <p>ambitions [4] 77/18 89/6 92/8 92/18</p> <p>America [1] 88/1</p> <p>among [3] 59/24 93/8 97/16</p> <p>amount [5] 10/7 16/25 46/8 46/10 127/10</p> <p>Amy [5] 29/17 30/21 31/14 32/3 32/18</p> <p>analogy [1] 106/8</p> <p>analysis [1] 115/20</p> <p>Anastasia [1] 3/16</p> <p>Andresen [3] 5/1 121/25 122/3</p> <p>anger [3] 44/8 44/9 44/9</p> <p>angry [1] 44/7</p> <p>animal [1] 16/17</p> <p>ANN [3] 1/16 12/17 12/24</p> <p>annual [5] 97/5 99/5 101/21 105/25 113/22</p> <p>anonymously [1] 18/6</p> <p>another [11] 43/7 49/4 68/24 82/18 85/2 87/9 92/9 96/18 112/2 121/3 124/25</p> <p>answer [3] 30/6 62/11 62/14</p> <p>answered [1] 109/25</p> <p>answers [1] 13/23</p> <p>anticipate [1] 106/3</p> <p>anticipated [1] 125/13</p> <p>anxious [1] 47/19</p> <p>any [34] 5/14 6/1 6/17 19/7 20/25 21/5 22/3 26/14 30/6 34/12 38/23 41/12 46/16 56/11 57/8 65/15 66/7 87/5 87/20 90/7 91/8 94/25 95/20 99/3 101/13 107/24 107/25 109/6 110/16 110/16 110/21 122/15 126/13 130/11</p> <p>anybody [2] 6/23 22/4</p> <p>anymore [5] 32/6 34/21 42/16 43/11 46/6</p> <p>anyone [8] 6/15 9/15 41/21 66/8 66/10 66/12 66/18 108/3</p> <p>anything [32] 9/22 10/5 17/25 23/12 24/1 30/3 30/5 40/25 41/19 42/17 44/18 44/21 47/9 48/13 48/14 48/24 54/18 57/12 62/11 62/15 66/16 66/21 81/13 92/5 94/22 97/11 106/16 107/1 107/23</p>	<p>108/3 130/10 134/1</p> <p>anyways [1] 14/9</p> <p>anywhere [2] 29/9 49/9</p> <p>AOL [1] 45/2</p> <p>apart [1] 28/10</p> <p>apartment [1] 89/16</p> <p>apologize [3] 7/6 54/12 90/22</p> <p>apparent [1] 83/17</p> <p>appear [1] 114/24</p> <p>appearances [2] 2/2 94/9</p> <p>appearing [2] 4/2 4/5</p> <p>appears [2] 107/21 129/6</p> <p>Applesed [1] 98/23</p> <p>appointed [6] 70/2 98/18 98/20 117/22 117/24 121/4</p> <p>appreciate [10] 7/2 9/19 13/3 18/14 18/14 106/5 116/21 122/19 123/3 127/1</p> <p>appreciation [1] 126/21</p> <p>appreciative [1] 59/20</p> <p>apprenticeship [2] 88/12 88/17</p> <p>approach [2] 104/10 128/23</p> <p>appropriate [1] 11/15</p> <p>approval [9] 108/16 115/4 116/21 118/12 119/21 122/22 122/24 128/11 130/7</p> <p>approve [4] 114/20 119/11 119/15 123/4</p> <p>approved [2] 68/16 115/21</p> <p>improvement [1] 114/25</p> <p>approves [1] 68/10</p> <p>Approximately [1] 110/7</p> <p>Aprille [2] 4/20 13/22</p> <p>arbitrator [1] 116/22</p> <p>arduous [1] 128/1</p> <p>are [171]</p> <p>area [1] 122/6</p> <p>areas [9] 118/24 118/25 118/25 119/2 119/5 120/18 122/6 122/10 122/11</p> <p>aren't [3] 76/8 94/1 130/16</p> <p>arena [6] 16/3 35/4 62/4 62/4 64/14 84/15</p> <p>argument [3] 6/16 66/23 108/9</p> <p>arm's [4] 114/18 129/13 129/23 130/3</p> <p>arms [1] 10/15</p> <p>around [12] 11/21 26/17 27/4 39/20 42/20 44/25 62/22 66/15 79/11 92/20 97/5 127/8</p> <p>array [6] 77/1 86/18 89/15 99/15 105/6 105/12</p> <p>art [2] 126/2 126/2</p> <p>articulate [3] 20/23 60/8 126/4</p> <p>articulation [1] 95/18</p> <p>as [134] 5/5 5/11 6/3 6/3 9/12 9/17 13/15 16/6 16/8 16/8 18/1 19/17 19/18 24/2 27/15 31/11 35/7 35/8 36/13 37/24 37/25 40/2 40/7 40/12 40/13 44/24 47/8 52/19 52/21 53/10 57/14 57/14 58/17 59/15 61/6 61/7 61/7 62/4 62/4 63/17 63/17 68/14 68/16 68/16 69/16 70/2 70/3 70/7 70/13 71/6 71/16 71/18 74/14 76/5 76/6 76/10 77/18 77/18 78/23 78/23 78/24 83/12 83/20 85/5 87/8 87/16 89/8 90/3 90/6 93/9 94/5 95/20 97/17 100/12 100/13 100/16 100/24 101/3 101/7 101/7 101/8 101/8 101/9 102/9 102/16 102/24</p>	<p>103/8 103/20 106/3 106/9 107/9 107/9 107/9 107/9 107/13 107/13 108/22 109/16 109/16 110/13 110/13 111/9 111/19 111/19 112/1 112/12 114/6 115/23 116/6 116/9 116/13 116/22 117/5 117/23 118/25 120/9 120/17 120/21 121/7 121/17 124/25 125/4 125/9 125/10 127/8 127/12 129/10 131/13 131/14 131/21 131/21 131/22 131/22 133/21</p> <p>ashamed [1] 41/21</p> <p>ask [20] 4/9 6/22 7/13 8/5 9/18 12/7 14/25 30/16 53/13 61/9 66/9 67/21 77/5 78/4 91/6 106/1 108/3 114/20 119/9 123/4</p> <p>asked [9] 18/23 26/13 27/16 27/20 30/3 70/2 79/24 94/4 99/1</p> <p>asking [1] 75/1</p> <p>asks [1] 84/4</p> <p>aspects [1] 85/17</p> <p>assaulted [1] 46/24</p> <p>assess [2] 91/22 119/4</p> <p>assessment [2] 105/7 117/8</p> <p>assignment [1] 107/7</p> <p>assistant [2] 3/24 4/2</p> <p>assuming [2] 67/14 98/11</p> <p>assurances [1] 114/17</p> <p>ate [1] 40/11</p> <p>attached [1] 60/21</p> <p>attachment [2] 60/24 60/25</p> <p>attempt [1] 59/1</p> <p>attempted [1] 45/13</p> <p>attempts [1] 10/13</p> <p>attend [1] 118/13</p> <p>attended [1] 73/18</p> <p>attending [2] 5/3 5/9</p> <p>attention [8] 15/21 60/13 67/23 70/7 90/25 90/25 100/10 111/2</p> <p>attorney [5] 3/24 4/2 94/4 94/7 117/6</p> <p>attorneys [2] 100/14 109/18</p> <p>Aubrey [3] 29/20 30/7 30/9</p> <p>audience [3] 17/6 21/21 66/7</p> <p>August [1] 13/22</p> <p>August 12th [1] 13/22</p> <p>Austen [1] 48/1</p> <p>authentic [1] 96/25</p> <p>authority [2] 105/21 105/24</p> <p>authorization [3] 68/7 68/9 107/10</p> <p>availability [1] 18/25</p> <p>available [3] 12/11 91/9 116/22</p> <p>avalanches [1] 75/9</p> <p>Avenue [5] 2/5 2/8 2/11 2/15 2/23</p> <p>Avenues [1] 109/17</p> <p>aware [6] 20/11 20/12 29/8 34/9 51/16 116/7</p> <p>away [13] 7/8 8/10 9/14 10/5 18/8 39/11 40/17 46/16 60/20 61/1 61/9 78/9 106/11</p> <p>awesome [2] 50/4 63/1</p> <p>B</p> <p>bachelor's [1] 19/24</p> <p>back [33] 10/21 28/20 35/9 37/11 37/13 43/4 45/16 47/3 50/2 50/7 51/4 54/10 55/20 58/9 67/2 68/17 70/5 71/12 75/24 77/19 84/3 86/19 86/24 86/24 93/15 94/18 101/18 101/22 106/15 107/13</p>
--	--	--

B	107/11	biographies [1] 54/4
back... [3] 125/23 131/3 132/19	beginning [4] 3/8 52/3 96/23 111/20	biological [9] 7/8 28/9 28/15 29/1 32/17
background [2] 14/23 84/15	begun [2] 90/8 112/14	43/7 43/24 109/19 109/25
bad [8] 28/8 29/5 39/10 44/24 48/22	behalf [6] 4/2 4/5 14/4 34/8 66/1 128/6	birthday [2] 8/23 90/4
49/18 70/7 82/5	behavior [2] 19/2 19/8	bit [10] 22/24 26/18 32/13 33/19 37/22
badly [2] 124/9 124/21	behavioral [6] 20/4 40/14 74/4 82/3	40/9 79/1 91/17 99/20 128/2
bags [1] 43/17	86/20 117/13	Blaesing [4] 2/17 3/24 66/23 114/6
baked [1] 106/22	behaviors [1] 10/13	blank [1] 22/10
balance [1] 35/23	behind [6] 4/8 4/19 20/19 40/6 57/1	blanket [1] 43/6
ball [1] 107/20	125/5	blanking [1] 17/2
Ballmer [3] 20/1 33/25 34/3	being [34] 8/1 8/10 13/5 16/2 18/1 19/13	bleachers [1] 65/8
Baptist [2] 48/10 48/10	22/15 35/24 39/20 39/20 40/10 40/10	blocks [1] 107/11
bare [2] 43/20 43/20	43/17 44/11 47/24 53/5 56/9 56/9 56/10	blueprint [1] 87/5
base [1] 29/3	58/16 60/1 64/19 65/24 72/21 79/13	boarding [1] 68/15
based [6] 34/14 99/25 109/5 109/9	82/23 88/19 99/21 100/22 101/5 103/14	boards [1] 109/18
110/13 120/10	106/3 116/22 130/24	bodies [1] 51/18
baseline [3] 13/10 52/11 84/6	beings [1] 15/22	body [9] 10/7 10/10 18/21 19/1 41/10
bashing [1] 47/20	belief [6] 55/11 56/19 123/24 125/12	44/8 50/9 51/16 51/24
basically [1] 49/18	125/15 127/21	bolstered [1] 35/22
basics [5] 104/7 104/7 128/7 128/7	believe [17] 27/20 55/9 58/18 59/13	bond [2] 26/11 40/18
128/9	66/6 71/24 74/22 78/13 80/23 90/2	bonita [4] 2/22 2/24 135/9 135/10
basis [3] 6/8 35/12 97/5	108/14 108/18 110/14 111/15 129/9	book [8] 18/21 19/9 19/10 40/8 42/12
bathroom [1] 26/1	129/11 134/8	53/4 53/5 54/8
batteries [2] 76/7 76/12	believed [2] 9/24 10/4	books [7] 19/14 19/15 47/23 54/1 54/3
battles [1] 127/18	believer [1] 91/16	54/7 54/8
bawling [2] 28/4 32/3	believing [2] 90/14 90/15	born [2] 15/19 130/24
be [191]	belonging [2] 61/25 62/1	boss [1] 79/18
beaten [1] 127/22	belongs [1] 5/20	Boston [1] 52/1
beautiful [1] 16/19	below [1] 135/4	Bosworth [2] 2/7 3/19
became [8] 9/11 45/10 51/1 70/23 74/16	bench [5] 20/13 23/7 37/11 124/12	both [16] 4/11 11/4 19/13 20/3 35/9
76/24 79/10 89/4	130/22	62/4 70/16 78/20 82/9 84/12 90/18 107/2
because [148]	benchmark [1] 100/20	107/14 110/13 116/8 130/5
because it's [1] 23/6	Benedetto [1] 3/16	bothers [1] 15/16
Beckerman [7] 114/15 116/21 124/18	benefactor [1] 34/8	bottle [1] 24/9
126/10 126/11 126/12 129/17	benefit [4] 102/5 102/6 117/19 128/16	bottom [1] 77/14
Beckerman's [2] 116/20 129/24	benefited [2] 116/14 116/25	bounced [1] 39/20
become [6] 12/5 76/18 80/17 88/18	Benton [3] 8/2 8/20 16/22	boundaries [2] 61/13 61/14
88/19 94/14	bespoke [1] 86/21	box [7] 35/15 39/9 53/24 62/7 84/8
becomes [3] 75/10 93/4 97/1	best [21] 5/20 10/19 11/5 13/9 15/20	89/11 130/13
becoming [1] 63/14	15/20 31/25 35/16 49/23 94/3 110/22	boy [1] 42/2
bed [3] 35/11 76/13 76/15	116/3 118/20 120/11 126/7 128/23	boys [2] 29/16 29/19
bedroom [1] 76/14	129/19 131/12 131/12 133/2 133/4	bra [3] 27/5 27/6 27/20
been [94] 5/17 10/12 11/21 15/11 15/24	better [36] 2/14 3/15 3/16 14/18 15/5	brain [3] 17/12 19/2 19/8
16/19 18/16 19/7 25/11 25/14 29/13	15/21 20/13 20/24 34/25 35/21 36/10	brain-law-behavior [1] 19/8
32/10 34/19 34/20 36/10 39/5 40/12	39/13 44/13 44/22 57/5 59/17 64/24	break [9] 10/2 10/3 60/25 61/3 67/1 67/1
41/17 42/2 42/14 42/14 42/20 47/16	64/24 65/1 65/2 70/18 77/4 77/5 84/5	67/9 67/10 67/15
49/16 49/17 52/8 53/15 54/14 55/12	84/7 88/4 90/16 118/4 118/17 118/20	breath [7] 13/4 13/5 23/24 24/13 27/13
55/13 59/3 59/10 62/2 64/10 66/3 67/22	125/25 128/5 128/9 128/17 130/19	30/18 47/17
69/14 69/16 71/16 71/17 72/20 73/22	134/10	Brene [1] 61/24
73/24 76/20 77/23 79/8 80/8 82/11 82/12	between [13] 17/1 19/10 79/8 87/24	bridge [1] 111/12
83/5 84/16 84/21 85/10 85/16 85/25	89/11 93/20 95/1 96/4 96/7 97/16 114/8	brief [1] 123/9
88/11 88/18 91/7 93/4 93/22 94/10 94/18	127/16 130/4	briefly [1] 109/12
94/25 95/5 95/22 97/7 98/15 99/18 99/19	beyond [4] 51/7 74/3 93/2 123/24	bring [5] 15/4 25/1 25/6 69/7 86/10
101/10 105/5 105/13 109/5 109/8 110/25	bi [1] 48/11	bringing [1] 55/20
111/1 111/11 112/2 112/6 112/10 112/11	bi-curious [1] 48/11	brings [1] 125/19
114/12 114/14 121/22 122/14 123/13	biases [1] 125/5	Britton [1] 62/21
123/23 124/24 125/1 127/10 127/11	Bible [2] 47/25 48/14	broad [1] 89/15
129/8 130/21 131/20	Biden [1] 117/23	broadest [1] 65/3
before [15] 1/16 8/11 61/17 79/18 80/8	big [14] 23/24 24/12 24/13 27/22 34/7	Broadway [1] 2/19
85/23 90/11 98/9 108/17 114/24 117/4	41/1 63/15 76/24 85/21 91/15 104/1	broken [4] 49/16 78/17 78/17 89/1
117/24 122/21 124/9 130/22	131/7 131/8 131/9	brother [4] 29/12 29/15 32/9 32/17
began [1] 121/17	bigger [2] 88/15 89/4	brought [4] 41/22 71/19 86/12 121/4
begged [3] 59/15 59/15 59/15	billing [1] 107/12	Brown [5] 61/24 117/1 117/3 117/5
begging [1] 54/15	bills [1] 41/14	117/10
begin [6] 6/13 68/8 81/20 81/22 81/23	bio [2] 28/12 28/22	Bruce [1] 19/10

<p>B</p> <p>brunt [1] 40/21</p> <p>budget [4] 41/13 43/20 80/6 86/9</p> <p>budgets [2] 131/8 131/11</p> <p>build [4] 53/3 86/17 112/14 131/9</p> <p>building [4] 78/8 107/11 118/2 119/13</p> <p>built [2] 73/15 133/18</p> <p>bullied [1] 43/24</p> <p>bullshit [1] 57/18</p> <p>bully [1] 43/25</p> <p>bunch [1] 72/25</p> <p>bureau [3] 88/23 89/3 109/15</p> <p>burns [1] 10/14</p> <p>business [1] 71/17</p> <p>busy [1] 132/22</p>	<p>capital [1] 71/5</p> <p>Capuia [1] 52/4</p> <p>car [1] 28/3</p> <p>care [83] 7/4 7/7 7/11 7/24 10/17 10/19 10/20 10/25 11/21 12/5 12/6 16/14 21/12 22/15 23/14 24/4 24/15 25/8 29/24 39/25 39/25 40/1 41/7 41/10 43/21 45/14 51/19 51/22 52/9 52/11 52/13 57/7 63/22 64/1 69/9 69/15 70/24 70/25 73/16 73/18 73/20 73/21 73/23 73/25 73/25 74/10 74/11 76/23 79/5 81/18 81/19 82/2 82/14 83/1 83/22 85/17 88/2 88/6 88/8 88/11 88/18 89/8 89/9 89/17 89/18 89/19 89/25 90/4 99/22 103/10 103/12 103/15 103/15 109/21 116/1 116/16 118/9 118/21 120/3 122/20 128/16 130/17 134/11</p> <p>cared [1] 61/15</p> <p>career [9] 9/12 16/3 17/21 19/19 35/2 54/2 121/12 121/17 133/10</p> <p>careful [1] 114/9</p> <p>carefully [1] 122/14</p> <p>caregivers [2] 76/22 76/25</p> <p>CASA [5] 45/10 57/24 58/16 59/13 60/1</p> <p>CASAs [1] 109/17</p> <p>case [60] 1/4 3/5 14/22 18/20 21/2 30/5 30/6 62/23 66/1 66/19 67/20 69/21 69/22 69/23 72/12 73/12 85/21 90/19 91/1 92/4 92/5 94/16 95/17 98/10 99/9 99/12 105/7 105/21 106/19 106/23 106/24 115/4 115/5 115/23 116/4 116/10 116/10 116/13 116/13 116/17 116/24 117/17 117/22 118/19 119/15 119/22 121/4 121/7 122/25 123/22 123/25 124/4 124/7 124/17 128/14 129/10 129/16 130/10 131/19 134/5</p> <p>case-specific [1] 115/4</p> <p>caseload [4] 71/13 82/13 120/10 120/12</p> <p>caseloads [8] 71/8 72/16 72/21 73/1 80/23 81/8 85/9 85/14</p> <p>cases [19] 18/4 18/5 18/7 18/17 25/7 29/7 65/16 67/11 69/10 78/1 94/15 94/17 95/2 95/16 97/9 98/11 104/24 105/1 127/14</p> <p>caseworker [5] 29/7 30/1 50/22 62/21 121/17</p> <p>caseworkers [6] 10/2 29/22 29/23 62/20 88/19 88/19</p> <p>catch [1] 36/4</p> <p>catch-up [1] 36/4</p> <p>categories [5] 101/8 102/9 113/22 133/13 133/17</p> <p>Cathy [2] 6/22 68/22</p> <p>cause [1] 135/6</p> <p>caused [4] 45/14 45/16 45/17 46/9</p> <p>cautiously [2] 64/8 68/20</p> <p>ceiling [1] 113/5</p> <p>center [6] 19/1 20/1 33/25 39/18 42/1 52/5</p> <p>centered [1] 121/21</p> <p>central [1] 117/4</p> <p>cereal [1] 39/9</p> <p>certain [4] 112/18 123/17 124/20 126/7</p> <p>certainly [8] 67/12 80/25 93/10 94/5 94/8 99/18 112/15 114/10</p> <p>certified [8] 7/11 7/24 29/21 32/1 32/6</p>	<p>32/7 73/10 135/7</p> <p>certify [1] 135/4</p> <p>certifying [2] 29/4 76/3</p> <p>cetera [1] 102/20</p> <p>challenge [1] 82/15</p> <p>challenged [1] 60/11</p> <p>challenges [3] 92/2 92/14 99/17</p> <p>challenging [1] 72/5</p> <p>championed [1] 121/15</p> <p>chance [5] 5/16 34/22 44/10 127/6 132/8</p> <p>change [15] 25/25 29/4 35/16 51/1 53/12 63/10 63/11 63/21 78/8 83/22 112/20 119/14 122/18 128/24 133/8</p> <p>changed [3] 37/14 106/7 130/8</p> <p>changes [5] 11/9 36/6 93/2 105/8 134/9</p> <p>changing [2] 62/3 62/3</p> <p>chaos [1] 62/1</p> <p>chaotic [2] 49/23 58/6</p> <p>charge [3] 71/18 72/2 125/6</p> <p>charged [3] 76/1 76/2 94/19</p> <p>charity [1] 47/4</p> <p>check [10] 13/14 35/15 35/23 47/17 53/24 62/7 84/7 94/6 100/21 130/13</p> <p>check-in [1] 13/14</p> <p>checked [2] 26/3 45/6</p> <p>checking [1] 89/11</p> <p>chemical [1] 10/14</p> <p>Cheney [1] 29/25</p> <p>Cheryl [2] 116/12 124/11</p> <p>chief [1] 88/2</p> <p>chiefly [1] 94/10</p> <p>child [48] 4/19 4/25 18/18 27/1 35/6 41/16 43/7 43/25 47/4 47/18 49/4 69/17 71/16 72/19 73/17 73/19 74/6 76/15 80/4 81/5 84/18 86/14 87/13 88/22 103/8 104/19 109/21 115/2 115/6 117/3 117/5 117/8 117/9 117/21 119/4 119/19 121/17 121/18 121/25 122/2 122/3 122/6 122/11 128/15 128/16 128/19 128/19 131/1</p> <p>child's [1] 86/22</p> <p>child-serving [1] 103/8</p> <p>child-specific [1] 104/19</p> <p>childhood [6] 2/14 3/15 3/17 39/19 51/22 118/4</p> <p>children [88] 12/5 13/20 15/17 15/18 19/18 29/9 29/11 30/10 30/14 32/6 33/15 35/5 36/9 46/15 52/2 55/20 56/9 56/10 64/2 69/16 69/19 70/18 70/20 70/22 70/22 70/24 70/25 71/5 71/25 72/9 72/14 72/14 72/22 73/10 73/16 73/19 73/20 73/23 74/10 74/11 75/4 76/23 77/23 78/24 80/22 80/24 81/7 81/18 82/1 82/3 82/4 82/5 82/19 82/23 82/25 84/6 85/11 86/3 86/4 86/4 86/8 86/20 86/25 87/2 87/2 87/6 87/17 108/24 112/5 112/7 112/13 112/25 113/24 115/25 117/20 118/21 120/2 121/20 124/22 125/8 126/8 130/16 130/23 131/11 132/14 133/8 133/12 134/11</p> <p>children's [2] 20/4 117/13</p> <p>Chinese [1] 109/1</p> <p>choice [1] 15/9</p> <p>choices [1] 131/12</p> <p>choose [2] 15/19 44/23</p>
<p>C</p> <p>cadence [2] 93/19 107/12</p> <p>Cali [2] 26/21 26/23</p> <p>California [1] 98/23</p> <p>call [12] 6/20 6/21 18/9 24/18 24/23 37/3 37/4 61/5 65/22 67/20 83/9 83/13</p> <p>called [9] 7/9 7/16 27/21 28/4 40/11 81/4 83/1 98/22 119/22</p> <p>calling [1] 22/17</p> <p>calls [1] 103/16</p> <p>Camden [2] 71/20 71/20</p> <p>came [12] 32/15 32/16 41/1 42/25 64/14 70/3 82/25 86/24 86/24 118/14 129/16 129/21</p> <p>camera [1] 23/9</p> <p>camp [7] 40/7 47/15 47/21 48/3 48/4 48/10 48/24</p> <p>camps [1] 48/19</p> <p>can [102] 5/24 6/24 7/13 9/18 9/20 9/25 11/12 12/7 12/16 15/15 16/2 17/25 19/14 20/5 20/24 21/3 21/9 23/11 23/23 23/25 24/1 27/17 30/16 33/5 33/15 34/17 34/25 35/22 36/4 36/11 37/11 38/1 38/2 40/13 45/3 45/16 46/2 46/3 50/16 50/21 53/5 53/12 53/23 54/14 54/20 55/1 55/8 55/18 58/2 61/8 63/2 64/13 64/17 67/2 67/7 68/12 71/24 72/18 75/6 75/7 76/13 83/8 84/4 87/16 92/13 93/8 93/10 94/5 98/9 99/6 99/7 101/7 101/12 101/18 102/8 103/1 103/4 103/4 105/8 111/9 114/4 117/9 119/5 119/7 119/24 120/25 121/24 122/10 124/23 125/7 125/12 127/8 127/24 128/9 129/22 130/2 130/21 131/1 131/11 132/1 133/17 134/8</p> <p>can't [16] 17/2 21/24 34/23 45/18 46/9 46/13 46/13 47/9 49/18 61/25 90/8 103/21 105/14 108/23 113/4 133/7</p> <p>Canada [1] 87/25</p> <p>cancer [2] 45/4 50/2</p> <p>candidate [1] 20/9</p> <p>candidly [1] 59/20</p> <p>candidness [1] 13/6</p> <p>cannot [5] 13/15 20/20 51/24 60/23 68/8</p> <p>cap [2] 76/9 76/12</p> <p>capabilities [1] 15/14</p> <p>capable [2] 34/16 124/15</p> <p>capacities [1] 118/11</p> <p>capacity [2] 71/4 119/17</p>		

<p>C</p> <p>chose [1] 10/5</p> <p>chosen [1] 58/7</p> <p>Christian [4] 42/9 47/7 47/24 49/1</p> <p>Christmas [4] 10/2 10/3 16/18 46/25</p> <p>chronologically [1] 69/2</p> <p>churches [1] 40/3</p> <p>circle [2] 93/10 95/18</p> <p>circles [1] 77/17</p> <p>circuit [1] 124/16</p> <p>circumstances [3] 34/5 52/18 128/18</p> <p>citizen [1] 109/18</p> <p>civil [4] 3/4 16/24 100/13 114/21</p> <p>claim [1] 114/13</p> <p>claims [5] 113/25 114/3 114/10 115/15 121/3</p> <p>clarify [1] 113/24</p> <p>class [20] 3/13 6/14 20/5 34/1 69/14 100/24 101/3 101/22 110/15 110/17 111/13 114/4 114/11 115/14 115/17 115/20 116/19 118/1 118/3 121/1</p> <p>classes [1] 31/10</p> <p>classic [1] 85/8</p> <p>Clatskanie [1] 33/6</p> <p>clean [1] 49/14</p> <p>clear [3] 54/25 103/22 111/9</p> <p>cleared [1] 8/3</p> <p>clearly [6] 55/9 55/10 104/15 110/23 111/3 130/4</p> <p>clerked [1] 59/7</p> <p>client [1] 105/3</p> <p>client-specific [1] 105/3</p> <p>clients [6] 94/9 100/25 101/4 105/24 106/1 106/14</p> <p>clinic [2] 77/24 77/25</p> <p>clock [2] 67/7 81/19</p> <p>close [2] 81/1 87/22</p> <p>closed [3] 40/6 87/1 97/20</p> <p>closely [3] 14/10 92/15 96/2</p> <p>closer [2] 38/24 85/13</p> <p>closest [1] 38/17</p> <p>club [2] 16/25 31/14</p> <p>clubs [1] 16/24</p> <p>co [1] 99/4</p> <p>co-neutrals [1] 99/4</p> <p>Coast [1] 19/4</p> <p>code [3] 109/6 109/8 109/9</p> <p>cognitive [1] 17/14</p> <p>Coie [2] 58/19 58/19</p> <p>collaborate [4] 63/15 118/23 120/25 121/21</p> <p>collaboration [3] 95/11 95/14 131/22</p> <p>collaborative [1] 106/7</p> <p>collaboratively [1] 83/5</p> <p>collaborator [1] 95/4</p> <p>colleagues [1] 11/5</p> <p>collect [1] 14/7</p> <p>collected [1] 91/9</p> <p>collection [1] 91/15</p> <p>college [8] 16/20 16/21 31/10 31/11 32/20 33/12 35/12 88/9</p> <p>collusion [1] 114/18</p> <p>combination [2] 6/2 50/15</p> <p>come [34] 5/24 6/1 14/12 15/24 17/17 18/2 20/11 21/6 29/14 30/1 31/20 32/3</p>	<p>32/5 47/8 51/19 51/23 53/18 55/23 56/13 59/16 63/11 66/12 68/17 72/8 97/8 101/18 101/22 106/15 110/10 111/22 123/15 124/22 125/3 131/19</p> <p>comes [6] 17/17 38/4 38/7 51/18 61/20 90/24</p> <p>comfortable [6] 6/3 26/2 26/4 26/13 26/16 26/25</p> <p>coming [5] 22/10 77/11 84/2 92/18 98/6</p> <p>commend [1] 11/6</p> <p>commendation [1] 15/14</p> <p>comment [1] 5/22</p> <p>commenters [1] 115/6</p> <p>comments [7] 6/13 100/6 110/16 115/15 122/20 123/16 128/9</p> <p>Commission [1] 98/17</p> <p>commissioner [5] 70/23 73/13 79/11 117/19 117/23</p> <p>commitment [8] 16/7 54/6 66/1 80/16 82/2 83/18 113/18 115/1</p> <p>commitments [1] 93/7</p> <p>committed [7] 83/21 84/9 87/10 89/14 122/12 131/22 131/23</p> <p>common [3] 118/5 129/15 129/16</p> <p>communicate [1] 44/20</p> <p>communication [6] 10/2 38/11 95/20 95/24 96/7 98/4</p> <p>communities [3] 11/7 102/7 104/3</p> <p>community [20] 7/9 9/14 11/1 12/3 14/12 15/5 16/22 18/12 59/14 63/19 63/20 78/8 95/22 96/12 99/13 99/15 118/24 121/1 125/10 126/6</p> <p>compare [1] 90/8</p> <p>competency [1] 120/5</p> <p>competent [1] 124/15</p> <p>competing [1] 75/25</p> <p>competitive [1] 84/21</p> <p>complaints [1] 103/16</p> <p>complete [2] 117/8 118/8</p> <p>completed [2] 17/22 68/14</p> <p>completely [1] 28/10</p> <p>complex [2] 15/7 86/20</p> <p>compliance [3] 15/4 69/7 115/19</p> <p>compliant [1] 85/15</p> <p>complicated [3] 50/22 84/17 133/12</p> <p>compliment [1] 58/16</p> <p>computer [2] 68/23 68/24</p> <p>computerized [2] 125/21 126/1</p> <p>concentric [1] 77/17</p> <p>concern [3] 91/7 96/24 101/23</p> <p>concerned [3] 32/9 94/23 96/22</p> <p>concerns [6] 101/16 104/21 105/4 107/24 107/25 112/17</p> <p>conclude [4] 124/4 124/4 124/5 125/13</p> <p>concluded [2] 111/2 134/15</p> <p>concludes [1] 125/12</p> <p>concur [4] 110/17 115/14 115/20 116/19</p> <p>conditions [3] 69/15 71/7 74/25</p> <p>conduct [2] 100/12 105/20</p> <p>conducting [1] 115/11</p> <p>conferences [2] 13/25 64/15</p> <p>confidence [3] 124/14 125/15 132/9</p> <p>confident [4] 35/3 60/21 107/19 128/3</p> <p>confirm [2] 105/2 105/3</p>	<p>confirmation [1] 68/11</p> <p>confirming [1] 104/22</p> <p>confirms [1] 122/23</p> <p>conformed [1] 135/7</p> <p>confuddlement [1] 44/5</p> <p>congregate [3] 14/6 86/3 86/8</p> <p>connected [2] 31/22 93/9</p> <p>Connection [1] 109/17</p> <p>consensus [1] 92/20</p> <p>consent [2] 103/1 103/4</p> <p>conservative [1] 41/18</p> <p>consider [7] 12/10 31/5 64/8 114/4 115/22 119/10 119/16</p> <p>consideration [1] 6/16</p> <p>considered [1] 114/14</p> <p>considering [3] 114/5 115/14 119/14</p> <p>considers [1] 84/15</p> <p>consistent [4] 10/8 108/24 120/7 120/11</p> <p>constantly [3] 48/20 48/20 98/4</p> <p>constellations [1] 127/18</p> <p>constituency [1] 131/14</p> <p>constitutional [1] 123/1</p> <p>constitutionally [1] 15/3</p> <p>constitutions [1] 67/6</p> <p>consult [1] 103/4</p> <p>consultant [1] 117/8</p> <p>consummate [1] 125/17</p> <p>contact [3] 41/2 49/21 49/24</p> <p>contain [1] 119/2</p> <p>contains [2] 115/10 119/3</p> <p>contempt [3] 69/25 70/4 73/12</p> <p>context [6] 6/9 9/16 10/24 18/19 19/15 103/5</p> <p>continue [11] 12/3 14/11 16/9 55/6 111/7 111/12 113/7 122/4 122/10 122/19 126/22</p> <p>continuing [1] 122/12</p> <p>continuous [2] 120/16 120/23</p> <p>contract [7] 67/24 68/6 68/8 68/14 68/15 107/12 128/1</p> <p>contracted [1] 109/22</p> <p>contracts [1] 89/15</p> <p>contribution [1] 11/1</p> <p>contributions [1] 11/7</p> <p>control [4] 51/4 51/4 125/6 127/17</p> <p>conventional [3] 75/15 77/1 77/3</p> <p>conversation [5] 13/21 93/13 94/10 97/16 107/14</p> <p>conversations [4] 99/21 101/1 105/10 127/23</p> <p>conversion [4] 40/7 47/15 48/3 48/4</p> <p>converting [1] 48/9</p> <p>Cooper [5] 2/10 3/12 12/19 27/8 102/15</p> <p>coordinators [1] 106/10</p> <p>coping [1] 47/16</p> <p>core [3] 74/16 77/15 78/2</p> <p>correct [13] 8/18 8/24 23/2 30/20 31/2 31/23 33/3 33/4 58/10 94/2 107/8 133/16 135/5</p> <p>corrections [1] 6/18</p> <p>correctly [2] 31/22 51/2</p> <p>cost [5] 35/11 102/19 121/5 121/8 131/8</p> <p>costing [1] 86/13</p> <p>couch [1] 32/3</p>
---	--	--

<p>C</p> <p>could [34] 3/7 5/7 11/9 14/15 18/7 26/14 26/22 29/2 29/21 33/21 33/23 39/2 42/13 42/14 44/9 44/24 46/4 46/5 54/22 57/14 59/17 59/18 74/21 77/13 79/19 80/6 88/18 88/19 109/7 110/13 111/1 116/16 124/20 132/20</p> <p>couldn't [12] 27/1 30/5 48/21 50/5 51/7 52/16 53/8 58/14 64/13 73/1 104/6 104/9</p> <p>council [3] 98/22 101/2 103/11</p> <p>counsel [22] 3/7 3/13 5/24 6/7 6/11 20/9 78/23 100/24 101/3 101/13 102/1 106/9 107/2 109/13 110/18 114/23 115/14 115/17 116/19 118/1 118/3 121/1</p> <p>counsel's [1] 115/20</p> <p>count [3] 48/1 56/11 109/4</p> <p>country [5] 11/21 16/19 16/20 34/11 127/8</p> <p>County [4] 8/2 8/20 39/22 52/10</p> <p>couple [5] 14/21 28/20 57/22 80/5 91/10</p> <p>coupled [2] 101/21 101/21</p> <p>courage [6] 20/17 35/14 35/16 35/21 64/18 123/15</p> <p>courageous [1] 34/18</p> <p>course [4] 27/5 52/19 74/2 98/3</p> <p>court [43] 1/1 1/17 2/22 4/11 5/17 5/25 6/3 12/10 13/8 13/14 22/5 23/18 27/10 27/16 35/8 55/20 59/7 65/17 67/4 68/10 69/25 94/9 97/4 98/8 103/10 107/21 111/18 111/25 113/3 113/4 113/11 114/17 114/20 114/24 119/9 119/15 121/4 122/21 123/4 123/11 124/16 126/4 135/11</p> <p>Court's [3] 101/17 108/25 122/23</p> <p>court-appointed [1] 121/4</p> <p>courtesy [1] 9/7</p> <p>Courthouse [1] 2/22</p> <p>courtroom [5] 4/10 5/19 6/2 27/14 59/15</p> <p>courts [1] 103/9</p> <p>cousin [1] 78/12</p> <p>covered [2] 122/7 122/11</p> <p>covering [1] 70/6</p> <p>crafted [1] 122/15</p> <p>crafty [1] 60/15</p> <p>crazy [2] 23/21 60/8</p> <p>create [3] 17/15 86/18 103/18</p> <p>created [13] 11/22 74/4 88/6 88/8 88/12 88/12 88/17 88/23 89/3 89/7 89/9 109/2 109/6</p> <p>creates [1] 122/9</p> <p>creating [3] 11/15 33/24 74/25</p> <p>creative [1] 130/19</p> <p>credit [1] 36/22</p> <p>credits [1] 32/20</p> <p>cried [1] 58/13</p> <p>criminal [3] 18/18 19/15 62/4</p> <p>Crippen [2] 2/18 4/5</p> <p>Cristo [1] 48/2</p> <p>criteria [1] 128/25</p> <p>critical [2] 100/15 101/11</p> <p>Crooks [7] 58/3 58/9 59/22 59/25 61/6 65/15 65/25</p> <p>cross [3] 20/3 111/12 121/18</p> <p>cross-system [1] 121/18</p>	<p>cross-trained [1] 20/3</p> <p>CRR [2] 2/22 135/10</p> <p>cruel [1] 39/10</p> <p>crushed [1] 54/14</p> <p>cry [1] 24/6</p> <p>crying [1] 72/22</p> <p>CSR [2] 2/22 135/10</p> <p>curious [2] 13/21 48/11</p> <p>Currans [4] 5/5 5/11 83/12 84/2</p> <p>Currans-Henry [3] 5/5 5/11 83/12</p> <p>current [6] 50/3 83/5 100/14 117/23 126/1 128/18</p> <p>currently [3] 23/15 31/24 102/24</p> <p>curtain [1] 26/1</p> <p>custody [1] 69/16</p> <p>cuts [1] 46/8</p> <p>cutting [4] 45/13 62/12 62/15 126/16</p> <p>cv [1] 1/4</p> <p>czar [1] 103/15</p> <hr/> <p>D</p> <p>dad [4] 25/3 28/8 42/16 43/2</p> <p>damage [2] 10/15 54/25</p> <p>damages [1] 115/16</p> <p>Darcy [1] 17/20</p> <p>darned [1] 127/24</p> <p>dashboards [1] 120/19</p> <p>data [16] 71/14 77/13 90/15 90/19 91/1 91/9 91/12 91/15 104/19 104/22 105/2 105/3 120/17 120/20 120/24 121/15</p> <p>DATE [1] 135/10</p> <p>daughter [2] 26/21 28/11</p> <p>daunting [1] 133/14</p> <p>David [2] 2/17 4/1</p> <p>Davis [2] 2/4 54/9</p> <p>day [23] 4/15 7/9 7/16 28/1 30/2 31/7 32/15 42/19 42/19 43/22 43/22 44/15 44/15 45/21 47/25 52/24 58/1 65/7 65/7 67/7 75/2 123/13 128/13</p> <p>days [5] 10/1 40/20 49/17 70/11 81/24</p> <p>deal [4] 55/17 84/19 126/9 128/2</p> <p>dealing [1] 51/15</p> <p>dealt [1] 60/12</p> <p>death [1] 50/24</p> <p>debate [1] 17/1</p> <p>debt [1] 133/20</p> <p>decade [1] 68/20</p> <p>decades [5] 87/23 91/10 121/13 121/16 122/3</p> <p>December [1] 9/25</p> <p>decide [3] 95/12 130/23 132/11</p> <p>decided [2] 50/25 98/25</p> <p>decides [2] 20/16 36/3</p> <p>deciding [1] 119/11</p> <p>decision [2] 51/12 122/13</p> <p>decisions [2] 34/25 75/4</p> <p>decreased [1] 120/3</p> <p>dedicated [2] 116/5 118/10</p> <p>deep [9] 13/4 13/5 23/24 24/13 27/13 30/18 47/17 75/16 133/7</p> <p>deeply [8] 7/3 70/21 74/22 85/7 86/14 86/21 99/22 118/10</p> <p>default [1] 91/1</p> <p>defendant [7] 1/7 4/6 70/3 98/15 117/2 117/22 122/1</p>	<p>defendants [4] 2/17 3/25 4/3 102/14</p> <p>defendants' [1] 109/13</p> <p>defending [1] 14/16</p> <p>deficit [1] 34/4</p> <p>define [1] 111/11</p> <p>definitely [1] 70/11</p> <p>definitive [1] 11/17</p> <p>degree [5] 19/21 19/23 34/1 88/21 88/22</p> <p>degrees [1] 62/20</p> <p>delays [1] 70/22</p> <p>deliberate [1] 123/1</p> <p>delineated [1] 93/4</p> <p>delinquency [1] 60/6</p> <p>deliver [5] 73/1 78/2 78/5 78/6 80/24</p> <p>deliverables [3] 78/2 81/6 81/10</p> <p>demonstrated [2] 85/3 119/16</p> <p>denoted [1] 111/4</p> <p>department [5] 11/6 14/4 86/23 103/9 128/4</p> <p>department's [2] 11/12 12/1</p> <p>dependency [1] 69/10</p> <p>dependent [1] 17/23</p> <p>depending [1] 99/6</p> <p>depth [1] 34/22</p> <p>depths [1] 21/10</p> <p>deputy [2] 4/25 121/25</p> <p>describe [4] 17/7 81/15 87/16 109/12</p> <p>described [2] 35/10 72/21</p> <p>describing [2] 80/20 80/20</p> <p>deserve [2] 15/20 78/25</p> <p>design [1] 54/15</p> <p>designated [2] 102/9 127/3</p> <p>designed [1] 54/17</p> <p>desire [1] 112/19</p> <p>desires [1] 9/8</p> <p>desperate [1] 76/22</p> <p>desperately [2] 34/13 78/14</p> <p>Despite [3] 7/12 7/24 12/1</p> <p>details [1] 129/15</p> <p>detected [1] 73/24</p> <p>detector [1] 76/7</p> <p>deteriorates [1] 75/13</p> <p>deterioration [1] 73/24</p> <p>determination [4] 16/1 81/11 93/13 97/5</p> <p>determinations [1] 99/5</p> <p>develop [2] 101/20 128/20</p> <p>developed [8] 43/9 60/16 119/22 120/10 120/15 120/19 125/21 126/4</p> <p>developing [1] 34/2</p> <p>development [3] 11/2 120/4 121/18</p> <p>devil [2] 44/13 44/14</p> <p>DHS [31] 7/8 13/25 14/5 14/9 22/15 23/16 24/17 24/25 25/5 26/22 28/6 29/10 30/11 30/13 30/19 31/15 31/24 32/12 32/18 40/22 41/16 42/5 46/12 49/3 52/12 52/21 56/4 56/4 109/20 129/20 132/11</p> <p>DHS's [3] 13/24 16/14 106/21</p> <p>diabetic [2] 50/19 50/24</p> <p>diagnose [1] 86/17</p> <p>dialogue [1] 93/11</p> <p>dictate [1] 130/25</p> <p>did [50] 12/15 15/19 16/14 16/21 17/4 17/4 17/5 17/24 18/5 19/20 24/19 24/24</p>
---	--	--

<p>D</p> <p>did... [38] 25/16 26/4 26/7 28/18 29/19 29/24 30/2 32/20 33/17 39/13 40/24 40/25 41/16 44/2 44/10 45/9 48/4 57/4 63/6 70/8 72/5 74/4 74/17 79/12 83/14 86/6 88/5 92/9 99/11 108/25 110/3 110/22 111/2 116/10 116/17 117/7 124/10 133/7</p> <p>didn't [52] 4/15 9/14 17/19 17/20 17/21 22/3 26/1 26/16 27/3 27/5 28/13 28/23 30/5 31/15 32/2 32/10 32/12 41/8 41/12 41/13 41/13 41/14 42/6 43/12 43/13 43/23 43/23 44/8 44/9 46/18 46/18 46/19 46/20 48/12 48/13 48/24 49/25 62/22 66/19 67/7 72/12 73/12 75/19 75/19 76/4 77/4 79/17 91/8 104/25 123/19 123/19 133/6</p> <p>died [2] 50/4 57/24</p> <p>difference [16] 15/16 16/8 16/10 21/3 21/16 59/19 63/13 79/8 89/11 130/15 131/7 131/8 131/10 132/22 133/11 133/18</p> <p>different [29] 29/23 39/14 42/18 47/13 51/8 55/17 63/21 72/25 76/3 76/4 78/19 78/21 80/10 80/13 80/13 95/25 98/8 99/3 100/4 104/3 105/9 107/21 109/1 110/9 112/6 116/25 120/22 132/7 133/6</p> <p>differently [2] 102/2 129/19</p> <p>difficult [10] 4/11 5/21 9/19 15/7 36/13 55/21 110/20 125/3 127/23 131/20</p> <p>difficulties [4] 59/10 127/16 128/21 130/18</p> <p>difficulty [1] 94/14</p> <p>dig [1] 105/7</p> <p>digesting [1] 93/14</p> <p>diligently [1] 129/3</p> <p>direction [2] 70/17 128/15</p> <p>directly [2] 5/24 133/9</p> <p>director [10] 3/12 4/19 4/25 5/4 5/6 5/10 117/21 121/12 121/16 121/25</p> <p>dirty [1] 49/12</p> <p>Disability [8] 2/11 3/12 3/20 14/4 27/9 98/24 113/7 118/3</p> <p>disagree [2] 50/13 122/24</p> <p>discharge [2] 8/3 9/10</p> <p>discharged [3] 8/7 8/24 16/13</p> <p>disciplined [1] 77/14</p> <p>Discourse [1] 16/25</p> <p>discovery [1] 114/9</p> <p>discuss [2] 115/3 119/19</p> <p>discussed [1] 119/13</p> <p>discussing [1] 92/18</p> <p>discussion [4] 93/7 95/11 107/18 108/9</p> <p>discussions [5] 83/16 93/17 116/16 118/1 124/2</p> <p>disgruntled [1] 123/18</p> <p>dislocated [1] 56/6</p> <p>disorder [2] 40/11 43/9</p> <p>disorders [1] 60/25</p> <p>disorganization [1] 15/2</p> <p>disparate [1] 104/13</p> <p>dispute [2] 99/7 116/22</p> <p>disputes [1] 126/14</p> <p>disrepair [1] 15/2</p> <p>dissonance [1] 17/14</p>	<p>distinction [1] 96/6</p> <p>district [5] 1/1 1/2 1/17 2/22 71/20</p> <p>districts [1] 127/15</p> <p>diverge [1] 75/7</p> <p>do [86] 8/11 8/20 12/11 14/18 15/5 15/21 18/22 20/13 20/24 20/25 24/9 24/11 27/12 27/21 29/3 29/10 30/3 30/24 31/7 32/18 33/11 33/11 33/12 33/23 34/12 34/22 34/23 37/7 41/7 42/6 44/18 46/16 47/2 48/24 49/5 50/16 52/22 54/14 55/6 55/9 56/25 57/5 61/6 62/3 65/16 67/10 67/12 67/19 68/10 71/8 72/9 74/24 77/7 77/9 77/10 78/5 78/23 79/4 79/6 82/18 83/8 84/8 86/23 87/13 88/16 92/2 93/24 95/7 99/12 101/12 102/1 103/12 103/19 104/7 116/2 118/15 118/17 123/7 126/5 126/24 128/8 128/24 130/19 132/6 132/7 132/8</p> <p>doctor [1] 9/8</p> <p>document [9] 13/7 65/4 91/21 129/3 130/9 131/24 131/25 133/22 134/7</p> <p>documents [6] 90/8 104/18 104/19 106/12 106/21 126/17</p> <p>does [13] 33/9 38/8 47/18 51/23 58/18 85/6 95/17 104/23 105/25 119/2 122/5 122/15 126/3</p> <p>doesn't [17] 10/21 11/23 11/23 29/10 48/15 59/16 76/9 76/14 77/9 77/10 81/13 96/2 96/3 100/20 113/3 120/24 126/11</p> <p>dog [1] 58/4</p> <p>dogged [4] 51/1 51/1 124/8 124/19</p> <p>doing [28] 16/5 18/17 30/12 30/23 30/25 34/16 41/3 44/6 47/8 52/8 52/8 53/5 54/2 58/18 63/4 65/8 65/18 71/10 73/6 80/21 84/17 94/12 99/24 105/6 110/20 112/22 120/24 131/15</p> <p>dollars [5] 14/16 76/13 86/13 112/14 121/6</p> <p>don't [69] 4/14 10/8 13/18 13/18 14/8 14/25 18/22 18/23 20/12 21/5 22/7 23/8 29/9 33/16 34/20 34/21 35/17 36/16 36/20 39/3 42/3 43/17 44/14 44/20 44/20 44/24 45/22 45/24 46/15 47/12 48/11 49/19 49/20 50/16 51/9 51/19 51/22 53/4 55/24 61/12 62/11 62/14 62/16 63/13 63/15 63/15 63/16 63/20 63/21 63/22 65/15 65/21 66/6 66/7 66/15 66/22 68/1 68/18 71/15 72/12 92/24 93/24 94/17 96/23 97/19 103/24 107/25 110/21 118/15</p> <p>done [41] 16/11 30/10 30/11 31/12 31/14 35/24 42/11 52/1 56/21 56/21 57/9 59/11 59/11 60/3 61/21 65/5 65/11 65/11 65/11 65/13 66/1 67/12 69/3 70/14 78/24 80/7 88/7 102/21 118/16 118/17 123/6 123/22 124/5 124/20 125/15 125/22 128/9 129/1 130/3 132/1 133/2</p> <p>door [2] 26/1 26/25</p> <p>doors [2] 40/6 44/16</p> <p>dose [1] 42/23</p> <p>doses [1] 9/5</p> <p>dot [1] 12/25</p> <p>double [1] 33/13</p> <p>doubt [4] 55/4 128/12 129/13 129/22</p> <p>Dow [1] 98/17</p>	<p>down [15] 24/2 27/15 27/16 30/5 42/15 48/22 56/2 56/5 56/12 59/23 60/25 65/10 79/5 80/2 127/22</p> <p>dozen [1] 77/15</p> <p>Dr [1] 52/4</p> <p>Dr. [2] 19/4 19/10</p> <p>Dr. Bruce [1] 19/10</p> <p>Dr. Posner [1] 19/4</p> <p>drain [1] 49/2</p> <p>dramatic [1] 74/10</p> <p>draw [2] 47/17 100/9</p> <p>drew [1] 49/8</p> <p>driving [1] 94/13</p> <p>DRO's [2] 110/1 110/10</p> <p>drop [1] 56/21</p> <p>dropped [1] 32/15</p> <p>drug [5] 24/25 25/3 26/10 26/17 63/24</p> <p>drugs [4] 9/5 10/11 17/23 57/4</p> <p>due [5] 9/22 23/15 24/16 24/24 26/10</p> <p>during [12] 7/5 31/7 48/17 56/6 75/20 75/21 98/3 116/2 116/14 117/11 120/14 121/22</p> <p>duties [1] 100/11</p> <p>dynamic [1] 63/10</p> <p>E</p> <p>each [12] 15/12 15/13 69/5 93/9 95/19 95/24 96/4 116/12 121/21 127/14 133/19 133/19</p> <p>earlier [7] 34/9 52/19 54/12 78/12 83/16 113/10 114/6</p> <p>early [13] 8/25 63/23 63/24 71/10 77/1 77/9 91/13 105/11 112/6 112/7 116/10 125/24 129/15</p> <p>easier [1] 67/11</p> <p>easiest [1] 91/20</p> <p>easily [2] 42/19 126/12</p> <p>easy [4] 13/5 65/20 77/19 88/25</p> <p>eat [2] 50/10 51/2</p> <p>eating [3] 40/10 40/11 40/11</p> <p>ebb [1] 72/7</p> <p>echo [1] 102/15</p> <p>economy [2] 64/24 131/10</p> <p>editing [1] 37/20</p> <p>educated [1] 62/20</p> <p>education [3] 88/9 131/2 131/8</p> <p>effectively [1] 118/18</p> <p>effects [1] 10/6</p> <p>efficiency [1] 11/13</p> <p>effort [4] 13/19 24/17 36/6 122/16</p> <p>efforts [21] 7/12 7/24 11/6 13/17 23/16 36/9 74/17 79/14 93/6 93/16 93/20 97/6 99/6 101/14 108/13 108/18 109/12 111/22 113/15 116/9 121/11</p> <p>eight [5] 40/23 50/19 75/10 82/16 133/17</p> <p>eight-year [1] 75/10</p> <p>either [9] 5/22 5/23 24/7 67/13 99/7 108/3 125/3 131/2 131/6</p> <p>elaborate [3] 45/15 96/6 97/19</p> <p>elected [2] 70/1 117/11</p> <p>elective [1] 117/5</p> <p>electric [1] 17/10</p> <p>Electromagnetic [1] 17/9</p> <p>electroshock [1] 17/5</p>
---	---	--

<p>E</p> <p>eligibility [1] 88/6</p> <p>eligible [1] 89/19</p> <p>else [14] 6/23 22/17 40/20 47/1 47/1 48/15 57/12 66/18 66/21 97/11 102/25 106/16 107/23 134/1</p> <p>elusive [1] 80/8</p> <p>email [4] 12/16 12/17 12/19 12/22</p> <p>emails [4] 14/7 109/12 109/15 109/20</p> <p>embedded [1] 82/20</p> <p>embedding [1] 73/17</p> <p>embraced [1] 96/17</p> <p>EMDR [3] 17/5 17/7 17/8</p> <p>emergency [1] 32/1</p> <p>Emily [5] 2/10 3/12 12/19 27/8 37/9</p> <p>encourage [1] 19/25</p> <p>end [14] 12/25 14/16 35/4 35/13 73/9 81/11 89/19 98/25 104/20 111/20 117/17 122/8 124/22 125/11</p> <p>ended [6] 29/20 45/21 80/1 99/2 118/6 126/16</p> <p>endured [3] 7/10 7/23 40/9</p> <p>enemies [2] 63/17 83/22</p> <p>enforcement [2] 115/17 115/18</p> <p>enforcing [1] 106/11</p> <p>engaged [2] 111/7 111/8</p> <p>engagement [1] 121/19</p> <p>English [1] 109/1</p> <p>enhance [1] 128/20</p> <p>enhanced [1] 83/1</p> <p>enhancing [1] 11/11</p> <p>enjoyed [2] 16/18 16/23</p> <p>enormous [4] 15/8 60/25 127/6 127/10</p> <p>enormously [1] 58/23</p> <p>enough [11] 18/22 36/22 56/13 57/9 57/9 70/19 73/6 85/9 92/24 123/19 133/7</p> <p>ensure [3] 11/22 116/3 121/1</p> <p>enter [2] 120/3 123/5</p> <p>entered [4] 89/14 115/24 117/5 117/7</p> <p>entering [1] 116/1</p> <p>entire [3] 40/3 47/21 59/3</p> <p>entities [3] 75/25 103/7 104/4</p> <p>entitled [1] 135/6</p> <p>entity [1] 103/3</p> <p>enunciate [1] 23/10</p> <p>environments [1] 60/9</p> <p>envisioning [1] 94/19</p> <p>episode [1] 46/3</p> <p>episodes [1] 45/13</p> <p>EQI [1] 121/9</p> <p>equipped [1] 76/11</p> <p>equitably [1] 118/18</p> <p>equity [1] 121/21</p> <p>equivalent [2] 44/6 44/7</p> <p>Eraut [2] 2/7 3/19</p> <p>Erickson [4] 22/13 23/14 24/4 24/15</p> <p>especially [5] 4/12 72/16 97/3 97/17 102/5</p> <p>essential [5] 72/7 78/7 79/15 83/25 96/5</p> <p>essentially [3] 8/15 88/8 100/5</p> <p>established [2] 34/4 95/23</p> <p>establishes [1] 122/7</p> <p>et [5] 1/3 1/6 3/5 3/5 102/20</p> <p>et cetera [1] 102/20</p> <p>ethos [1] 76/4</p>	<p>Eugene [2] 1/7 118/14</p> <p>evaluate [2] 29/6 128/10</p> <p>even [13] 8/2 18/6 29/7 30/4 47/12 50/10 58/25 62/16 91/10 91/14 100/25 113/8 128/1</p> <p>event [3] 45/16 45/17 45/17</p> <p>eventually [1] 8/3</p> <p>ever [15] 16/4 30/9 30/11 31/13 46/6 46/16 48/17 49/20 55/24 61/10 61/18 70/14 130/23 130/23 133/4</p> <p>every [21] 16/19 18/20 27/17 35/3 44/23 48/18 52/12 53/15 61/9 79/22 86/24 88/24 88/25 99/25 101/2 105/25 119/19 122/6 124/14 130/13 131/24</p> <p>everybody [5] 75/17 97/24 130/20 132/5 134/4</p> <p>everyone [5] 47/1 47/1 67/1 78/4 97/3</p> <p>everyone's [1] 132/4</p> <p>everything [13] 18/15 31/19 34/19 40/20 43/11 43/21 74/24 92/4 104/1 104/2 109/10 123/23 132/20</p> <p>everything's [1] 42/10</p> <p>everywhere [1] 79/16</p> <p>evidence [3] 34/14 120/10 122/25</p> <p>evidence-based [1] 34/14</p> <p>ex [1] 57/25</p> <p>ex-foster [1] 57/25</p> <p>exact [5] 26/17 29/12 29/13 49/12 49/12</p> <p>exactly [7] 34/3 51/16 59/4 67/25 87/4 113/6 128/13</p> <p>examined [1] 131/13</p> <p>examining [1] 104/21</p> <p>example [11] 12/14 27/4 74/17 87/9 90/1 95/5 95/5 95/8 98/1 98/6 118/19</p> <p>examples [3] 50/14 77/13 87/18</p> <p>exceed [1] 131/25</p> <p>Excel [1] 75/8</p> <p>excellence [3] 54/19 84/5 125/8</p> <p>excellent [2] 75/1 91/12</p> <p>exception [1] 15/6</p> <p>excited [2] 28/17 127/24</p> <p>exclusively [2] 94/12 97/8</p> <p>excuse [2] 7/6 12/1</p> <p>execute [1] 129/3 129/4</p> <p>executive [1] 113/18</p> <p>exist [6] 59/16 96/2 96/4 99/17 103/11 126/5</p> <p>existing [1] 103/18</p> <p>exists [1] 103/6</p> <p>exit [2] 85/13 127/12</p> <p>exited [2] 74/2 81/9</p> <p>exiting [1] 85/23</p> <p>exits [1] 99/7</p> <p>expect [2] 123/21 126/24</p> <p>expectations [2] 126/19 129/20</p> <p>expected [3] 55/21 103/14 125/1</p> <p>expecting [2] 66/17 66/18</p> <p>expects [1] 84/5</p> <p>experience [15] 9/17 28/7 36/13 36/15 53/17 69/13 70/3 99/18 105/5 115/7 115/12 118/4 121/16 122/3 129/2</p> <p>experienced [9] 7/5 9/4 10/12 11/3 11/5 17/4 21/11 113/24 130/4</p> <p>experiences [10] 16/4 16/6 16/6 38/12 38/13 60/14 68/5 69/6 92/13 122/20</p>	<p>experiencing [1] 118/21</p> <p>expert [6] 101/9 118/23 125/17 127/3 128/25 133/1</p> <p>expertise [2] 52/7 121/18</p> <p>experts [4] 19/5 53/16 53/17 111/9</p> <p>explain [3] 18/24 44/3 98/9</p> <p>explained [2] 42/15 100/16</p> <p>explainer [1] 109/2</p> <p>exploitation [2] 7/10 7/23</p> <p>extended [3] 88/6 88/10 88/10</p> <p>extends [1] 74/3</p> <p>extent [4] 21/8 51/12 90/10 127/8</p> <p>external [1] 98/5</p> <p>extraordinarily [2] 15/16 125/18</p> <p>extraordinary [1] 68/4</p> <p>extremely [2] 59/7 60/4</p> <p>eye [1] 74/23</p> <p>F</p> <p>face [5] 47/11 116/15 116/15 117/25 117/25</p> <p>facilitate [1] 72/14</p> <p>facilities [3] 67/2 86/3 87/6</p> <p>facility [9] 8/2 8/8 8/12 9/4 9/9 9/10 9/12 10/3 86/15</p> <p>facing [2] 87/24 120/19</p> <p>fact [13] 18/2 39/17 40/2 48/16 80/7 81/21 91/14 121/6 125/22 129/16 129/21 130/5 133/1</p> <p>factor [1] 114/13</p> <p>factored [1] 102/2</p> <p>factors [2] 18/7 115/4</p> <p>fail [4] 20/20 20/21 76/8 76/14</p> <p>failed [2] 18/1 73/23</p> <p>failing [3] 11/25 14/17 35/17</p> <p>failure [2] 13/24 72/17</p> <p>fair [8] 11/24 83/24 98/12 108/15 111/15 128/23 128/23 129/5</p> <p>fairly [1] 126/1</p> <p>fairness [3] 1/14 3/6 107/17</p> <p>faith [3] 80/10 95/10 130/3</p> <p>Falls [1] 124/12</p> <p>familiar [1] 84/12</p> <p>families [31] 64/1 64/16 64/25 70/18 71/5 72/9 75/4 75/17 76/1 76/3 76/17 76/24 78/8 78/24 80/22 80/24 80/25 85/11 92/12 96/12 109/18 109/19 109/23 109/25 110/1 112/9 117/20 119/24 121/24 125/21 126/8</p> <p>family [19] 7/8 8/21 16/5 16/18 29/14 34/5 39/18 42/1 43/13 47/1 49/3 49/3 76/5 86/4 88/14 125/9 130/25 131/2 131/5</p> <p>family-like [1] 86/4</p> <p>far [5] 19/20 73/14 74/3 123/19 133/1</p> <p>Fariborz [3] 5/4 5/10 127/2</p> <p>farther [2] 9/14 38/23</p> <p>fast [2] 28/6 110/13</p> <p>faster [1] 23/11</p> <p>fatalities [1] 73/23</p> <p>father [2] 39/10 41/15</p> <p>fault [2] 41/22 42/4</p> <p>favor [4] 115/4 116/21 118/11 119/21</p> <p>favorite [3] 43/5 43/6 49/22</p> <p>fawn [1] 45/22</p>
---	--	--

<p>F</p> <p>fear [4] 18/3 48/21 48/21 53/19</p> <p>features [1] 81/4</p> <p>fed [1] 40/10</p> <p>federal [8] 59/8 65/17 69/14 98/8 114/16 114/21 116/8 117/20</p> <p>feed [1] 43/19</p> <p>feedback [7] 14/2 53/14 101/10 109/5 109/7 109/9 110/13</p> <p>feel [20] 6/1 6/3 11/23 11/24 13/14 14/9 16/20 17/18 21/16 26/13 42/17 44/4 44/7 55/1 61/25 67/11 75/13 101/23 113/7 129/7</p> <p>feels [2] 11/24 27/21</p> <p>feet [2] 126/20 132/4</p> <p>felt [6] 18/5 26/4 43/11 51/7 61/17 70/11</p> <p>female [1] 41/9</p> <p>few [5] 11/20 33/17 37/12 49/17 119/20</p> <p>fewer [2] 82/3 90/3</p> <p>fiddle [1] 47/18</p> <p>fidget [1] 47/18</p> <p>field [7] 16/5 34/12 74/23 74/25 75/6 129/1 133/1</p> <p>fields [1] 50/23</p> <p>fifth [1] 78/11</p> <p>fight [2] 45/21 45/23</p> <p>fighting [1] 54/23</p> <p>figure [6] 33/20 55/13 55/24 56/14 56/14 105/7</p> <p>figuring [1] 51/11</p> <p>file [1] 105/14</p> <p>filed [3] 7/5 92/4 92/5</p> <p>files [3] 62/7 91/8 106/25</p> <p>fill [1] 75/11</p> <p>filling [1] 99/17</p> <p>filtered [4] 97/1 97/25 100/1 103/25</p> <p>final [9] 1/14 68/16 108/16 114/25 115/4 118/12 119/21 126/17 128/11</p> <p>finalized [1] 132/18</p> <p>finally [13] 24/16 24/20 24/22 29/19 31/20 32/4 51/24 64/19 96/16 114/15 116/19 120/15 131/18</p> <p>find [17] 19/25 26/14 29/15 31/15 36/14 41/14 49/20 51/20 51/21 57/6 60/5 65/17 111/8 127/6 127/20 131/5 132/16</p> <p>finding [3] 50/15 122/25 129/22</p> <p>fine [5] 6/2 29/14 37/7 38/21 67/15</p> <p>finish [2] 32/24 33/11</p> <p>finished [2] 16/12 19/22</p> <p>finishing [1] 32/19</p> <p>fire [2] 126/20 132/4</p> <p>first [49] 6/20 16/17 16/17 16/18 20/5 25/20 26/12 26/13 28/2 34/1 37/17 45/9 57/24 60/20 60/21 64/4 64/14 69/13 70/3 72/18 73/4 74/21 74/22 77/16 78/16 81/21 86/6 87/1 88/6 89/9 91/5 99/19 100/9 100/24 102/6 103/2 103/2 103/20 104/8 107/14 110/6 111/16 115/5 117/6 118/14 120/7 123/14 126/3 131/11</p> <p>five [13] 11/24 39/15 64/11 64/15 74/15 74/20 74/20 75/10 88/10 109/1 114/8 120/7 124/3</p> <p>fix [3] 56/20 72/3 89/14</p> <p>fixed [4] 30/14 85/12 85/16 88/25</p> <p>fixing [2] 71/18 89/11</p>	<p>flag [1] 111/23</p> <p>flags [1] 53/1</p> <p>flashback [1] 46/5</p> <p>flashing [1] 68/22</p> <p>flaw [1] 96/22</p> <p>flawed [1] 30/13</p> <p>flaws [1] 29/3</p> <p>fleshed [1] 129/12</p> <p>flew [1] 16/16</p> <p>flex [1] 76/12</p> <p>flight [2] 45/22 45/23</p> <p>Flint [2] 4/20 121/16</p> <p>Flint-Gerner [2] 4/20 121/16</p> <p>flipped [1] 49/2</p> <p>floor [4] 2/15 66/19 113/4 126/16</p> <p>flourish [2] 82/5 96/5</p> <p>flourishes [1] 79/16</p> <p>focus [10] 33/23 72/6 78/2 119/1 119/5 120/1 120/18 121/23 128/7 131/11</p> <p>focused [5] 71/13 73/5 75/5 78/15 78/18</p> <p>focuses [2] 119/24 120/4</p> <p>foggy [1] 41/24</p> <p>folks [4] 72/10 72/23 73/6 74/22</p> <p>follow [4] 34/12 46/15 46/16 73/21</p> <p>follow-up [1] 73/21</p> <p>followed [3] 73/15 73/16 80/9</p> <p>following [2] 83/2 95/18</p> <p>food [4] 39/9 40/9 43/21 44/16</p> <p>foot [1] 49/16</p> <p>force [9] 71/6 71/7 72/7 77/18 78/15 78/22 80/23 120/4 121/18</p> <p>forecast [1] 92/25</p> <p>foregoing [1] 135/4</p> <p>forever [2] 43/15 43/15</p> <p>forget [1] 16/4</p> <p>form [4] 56/11 93/8 123/5 131/6</p> <p>formality [1] 128/10</p> <p>formally [1] 107/6</p> <p>formative [1] 11/3</p> <p>former [4] 100/15 117/1 117/21 117/21</p> <p>forth [2] 93/15 97/7</p> <p>fortunate [1] 17/24</p> <p>fortune [1] 19/3</p> <p>forums [1] 103/17</p> <p>forward [24] 5/22 11/19 12/20 13/1 15/24 16/1 19/12 53/9 53/19 56/24 65/14 66/12 77/16 79/19 91/3 91/24 93/17 94/13 113/8 121/23 122/8 123/15 130/11 133/24</p> <p>forwards [2] 57/10 57/10</p> <p>foster [78] 11/21 13/25 23/14 24/4 24/15 25/8 25/11 25/14 25/20 25/22 26/15 26/23 27/1 28/7 28/8 29/4 29/17 29/18 29/24 31/16 39/14 39/25 40/3 41/23 43/3 43/23 44/14 45/5 46/7 47/7 47/15 48/5 50/3 52/14 56/25 57/3 57/4 57/25 58/21 64/1 64/2 73/11 73/23 73/25 74/10 74/11 75/16 76/17 79/4 81/19 82/16 82/22 83/1 83/22 85/9 88/1 88/6 88/8 88/11 88/18 89/8 89/17 89/19 89/25 90/4 95/21 99/10 100/15 103/11 103/15 103/15 109/17 109/20 116/1 116/16 118/21 120/3 122/20</p> <p>fostered [2] 26/5 26/8</p>	<p>fought [1] 126/14</p> <p>found [7] 23/16 24/17 24/22 38/9 89/1 92/8 97/20</p> <p>foundation [2] 118/2 122/17</p> <p>four [8] 23/14 24/4 24/15 29/23 29/23 30/11 39/6 88/9</p> <p>Fourteen [2] 7/18 7/19</p> <p>fourth [2] 41/8 81/10</p> <p>fraction [1] 121/8</p> <p>fragile [1] 73/20</p> <p>fragmented [1] 73/25</p> <p>frame [2] 92/20 93/3</p> <p>frames [1] 95/23</p> <p>framework [3] 90/12 91/18 122/7</p> <p>frankly [10] 52/21 62/17 65/12 71/9 123/23 124/21 124/23 128/13 131/19 132/20</p> <p>freeze [1] 45/22</p> <p>frequently [1] 130/17</p> <p>friend [3] 31/25 49/24 94/3</p> <p>friend's [2] 46/19 46/25</p> <p>friends [13] 11/5 12/6 46/19 46/20 46/21 46/22 46/23 83/21 83/23 83/25 112/5 112/13 112/25</p> <p>friendships [1] 41/11</p> <p>front [7] 25/25 27/15 35/4 38/18 43/21 47/12 47/21</p> <p>frustrated [1] 77/22</p> <p>frustration [1] 77/21</p> <p>full [1] 131/17</p> <p>fully [3] 74/6 104/16 125/1</p> <p>fund [1] 83/3</p> <p>fundamental [1] 119/17</p> <p>fundamentals [7] 71/2 72/6 73/5 78/13 103/22 119/13 122/17</p> <p>funded [2] 74/5 88/9</p> <p>funding [9] 35/12 62/12 62/15 62/18 62/19 77/5 78/7 120/13 120/13</p> <p>further [4] 108/5 111/3 114/11 126/5</p> <p>future [5] 16/8 55/8 57/1 65/1 65/2</p> <p>fuzz [1] 58/6</p> <p>G</p> <p>gained [3] 125/19 127/9 127/11</p> <p>galley [1] 6/15</p> <p>Gambie [2] 111/24 113/8</p> <p>game [1] 132/6</p> <p>gap [4] 92/10 100/8 111/11 111/11</p> <p>gaps [3] 86/17 105/10 111/9</p> <p>garbage [1] 43/16</p> <p>gasping [1] 87/19</p> <p>Gaston [1] 117/22</p> <p>gather [3] 13/24 33/20 33/22</p> <p>gathered [1] 14/1</p> <p>gauze [2] 49/12 49/12</p> <p>gave [3] 9/11 71/6 130/7</p> <p>gay [2] 76/21 76/24</p> <p>gender [1] 48/15</p> <p>Gene [1] 2/18</p> <p>general [4] 3/25 4/2 92/2 94/4</p> <p>general's [1] 94/7</p> <p>generally [6] 23/11 35/3 63/2 84/8 94/1 131/10</p> <p>generation [1] 132/5</p> <p>generations [1] 132/13</p>
---	---	--

<p>G</p> <p>generous [1] 34/8</p> <p>gentlemen [1] 35/10</p> <p>genuine [1] 61/17</p> <p>Gerner [2] 4/20 121/16</p> <p>get [74] 6/25 10/21 15/15 17/20 17/20 17/22 19/21 21/2 24/19 24/24 25/17 27/19 28/15 28/17 28/25 29/18 29/21 32/7 35/17 36/21 39/9 39/9 39/13 40/1 43/3 43/4 44/2 45/6 46/7 46/17 46/18 46/18 46/19 46/20 48/4 49/13 49/25 50/7 50/8 54/20 55/4 57/14 60/16 62/23 63/25 65/10 65/13 67/12 72/3 72/10 72/25 73/1 76/13 84/5 86/19 92/22 93/10 101/20 104/12 107/9 107/13 110/3 112/3 118/6 125/15 126/11 128/7 128/9 130/12 130/23 131/7 132/22 133/6 133/23</p> <p>gets [5] 27/11 72/15 93/9 125/22 131/3</p> <p>getting [16] 19/13 26/18 29/20 32/20 34/1 35/24 54/11 76/5 87/17 91/25 97/5 112/11 121/2 129/14 131/12 131/15</p> <p>gifted [1] 60/8</p> <p>girl [5] 21/14 26/5 26/9 41/24 42/9</p> <p>give [20] 7/9 7/16 9/20 14/2 17/21 18/8 35/21 43/20 51/9 57/7 65/22 68/1 77/13 88/14 95/12 103/1 103/4 103/5 127/4 127/5</p> <p>given [9] 11/13 47/17 63/12 85/10 89/22 89/23 107/1 110/21 128/19</p> <p>giving [2] 23/19 54/10</p> <p>glaring [3] 100/7 100/7 100/7</p> <p>glass [3] 24/9 24/12 131/17</p> <p>go [57] 4/16 6/20 13/11 16/1 16/21 17/16 17/18 18/11 27/6 27/25 28/20 31/18 32/14 32/23 33/5 33/6 33/13 35/9 36/17 38/25 43/3 44/17 45/16 46/19 50/3 50/23 57/18 67/7 67/12 67/13 67/21 68/16 68/18 68/22 68/24 69/1 72/3 75/2 76/13 77/7 84/6 84/25 89/2 91/3 91/19 91/20 91/21 97/12 98/9 99/14 108/19 114/11 123/19 124/21 125/23 126/13 133/13</p> <p>go-to [1] 126/13</p> <p>goal [2] 116/2 119/8</p> <p>goal: [1] 115/25</p> <p>goal: to [1] 115/25</p> <p>goals [4] 118/24 127/23 129/18 129/20</p> <p>God's [2] 41/19 41/20</p> <p>goes [4] 31/20 32/5 78/9 85/19</p> <p>going [123] 4/9 4/13 6/5 6/15 6/22 10/21 14/25 17/15 17/16 17/17 17/18 18/5 18/19 19/12 20/2 20/14 20/25 22/18 23/6 23/19 23/21 24/7 31/10 31/11 31/17 31/17 31/25 33/23 36/11 38/20 39/16 41/14 43/10 43/12 43/15 44/22 46/24 47/2 47/2 50/7 50/8 50/9 50/12 51/1 54/12 54/20 55/6 55/25 56/11 56/12 56/20 56/23 56/24 58/8 59/21 59/22 60/22 61/2 61/9 61/15 62/5 64/2 64/7 64/18 64/20 65/5 67/14 67/19 67/19 67/21 68/20 68/22 68/24 71/10 72/24 73/3 75/5 76/8 77/1 77/23 83/19 84/3 84/8 86/15 88/2 89/2 91/4 91/19 91/21 94/17 95/13 97/1 97/14 100/5 100/15 101/20 103/23 104/6 106/11 106/20</p>	<p>106/21 106/22 106/23 107/7 107/18 108/24 110/20 119/3 123/9 123/23 124/4 124/4 125/1 125/17 127/4 128/6 128/16 130/11 130/12 130/13 132/7 132/16 133/22</p> <p>going to [1] 103/23</p> <p>gold [6] 34/15 53/25 54/18 54/18 69/9 120/6</p> <p>gone [3] 21/12 84/20 85/14</p> <p>good [36] 3/11 3/23 4/4 4/23 4/24 5/2 7/1 9/7 10/20 10/20 22/25 23/13 23/16 24/3 24/14 24/17 24/20 24/22 26/4 26/18 29/5 29/8 37/16 38/9 44/24 45/3 47/11 56/22 56/22 56/23 76/18 95/10 130/3 131/15 132/6 134/12</p> <p>goodwill [3] 78/6 132/12 132/13</p> <p>gosh [1] 133/13</p> <p>got [45] 10/7 16/17 26/24 28/3 28/5 31/22 38/17 39/18 40/18 41/1 45/1 46/21 46/23 46/25 48/1 48/2 48/5 48/7 48/8 48/16 48/18 48/24 48/25 50/2 50/3 55/18 61/5 62/6 72/3 75/17 75/18 75/18 83/6 88/21 98/10 109/5 109/23 110/12 110/14 111/25 124/9 124/20 125/25 131/18 131/20</p> <p>gotcha [2] 76/6 76/7</p> <p>gov [1] 12/25</p> <p>government [7] 14/15 54/5 75/25 80/2 87/22 88/3 130/24</p> <p>governor [33] 5/6 5/12 70/1 70/1 71/19 71/24 79/9 79/17 79/17 80/3 80/3 80/14 83/4 83/5 83/13 84/4 84/5 84/8 98/13 98/18 98/20 113/11 113/13 113/14 116/25 117/1 117/2 117/5 117/10 117/10 117/12 117/15 132/9</p> <p>governor's [8] 79/10 79/13 83/9 83/19 87/11 98/14 127/2 128/4</p> <p>governors [4] 80/8 80/9 80/13 82/9</p> <p>grade [1] 41/9</p> <p>graded [1] 35/17</p> <p>graduate [1] 33/2</p> <p>graduating [1] 20/5</p> <p>grandma [2] 43/2 43/6</p> <p>grandpa [1] 28/4</p> <p>granting [2] 122/23 128/10</p> <p>grappling [1] 116/1</p> <p>grass [1] 17/3</p> <p>grateful [4] 59/11 124/6 124/16 125/18</p> <p>gratitude [3] 126/9 126/21 133/20</p> <p>great [9] 11/11 16/25 24/25 25/5 60/3 84/19 108/21 111/25 126/9</p> <p>grew [5] 77/17 77/18 89/3 89/4 89/4</p> <p>gripped [1] 54/8</p> <p>ground [2] 129/15 129/16</p> <p>groundwork [1] 6/8</p> <p>group [14] 7/7 7/9 8/16 9/13 14/7 14/8 76/2 76/5 76/6 76/21 98/21 98/22 103/3 110/20</p> <p>groups [1] 103/11</p> <p>grow [2] 50/8 77/17</p> <p>guardian [8] 23/17 24/17 24/21 24/22 31/5 31/23 33/8 36/20</p> <p>guardianship [3] 30/22 82/24 131/6</p> <p>guess [9] 6/6 44/10 66/9 69/2 85/2 87/8 91/4 92/25 97/22</p>	<p>guessing [1] 105/1</p> <p>guidance [1] 116/14</p> <p>guide [1] 129/1</p> <p>guy [1] 30/9</p> <p>guys [2] 29/13 37/11</p> <p>H</p> <p>had [120] 5/7 5/16 8/3 9/6 9/24 10/4 10/5 10/11 11/3 12/9 13/21 14/18 14/19 14/22 14/22 15/8 16/3 16/17 18/17 19/2 20/8 21/6 22/16 25/3 25/21 26/5 26/8 26/10 26/11 26/14 26/19 26/23 28/1 28/8 28/15 28/25 29/13 29/23 31/18 32/18 35/7 37/22 39/13 40/14 40/16 41/2 41/17 42/2 42/15 42/17 43/11 44/1 44/10 45/2 45/8 45/21 47/16 47/17 49/2 49/24 50/22 51/3 55/19 56/6 57/3 60/12 61/1 62/21 64/15 65/10 65/16 69/14 69/14 69/16 71/12 71/16 71/16 71/22 72/20 73/2 73/19 73/20 73/22 73/23 75/16 75/24 76/3 76/20 76/21 77/11 77/23 78/1 82/19 83/5 85/16 85/22 86/6 86/20 88/1 88/11 88/17 88/25 89/6 89/8 91/10 94/10 98/2 99/23 100/25 102/21 110/6 116/15 117/4 123/15 123/20 124/7 124/14 125/20 127/1 132/23</p> <p>hadn't [2] 80/8 85/10</p> <p>half [5] 39/6 39/17 87/23 124/8 131/17</p> <p>hallways [1] 81/17</p> <p>hand [6] 7/11 19/15 47/14 49/2 49/5 49/9</p> <p>handed [1] 125/17</p> <p>handful [1] 61/7</p> <p>handheld [1] 5/25</p> <p>handle [3] 41/10 42/13 51/24</p> <p>handled [1] 19/17</p> <p>hands [3] 7/24 17/11 48/14</p> <p>hanging [1] 80/6</p> <p>happen [5] 17/25 56/4 94/17 105/8 112/24</p> <p>happened [7] 17/15 19/10 20/23 25/21 32/22 45/12 56/3</p> <p>happening [12] 27/14 28/13 28/14 28/23 28/25 32/11 42/17 53/20 59/14 59/17 75/23 106/1</p> <p>happens [10] 19/5 41/19 51/21 52/22 81/12 95/19 104/1 104/2 112/25 116/3</p> <p>happier [2] 59/2 64/24</p> <p>happy [12] 11/19 20/10 22/16 22/21 23/12 29/14 67/9 67/10 67/12 67/13 98/12 108/11</p> <p>hard [20] 20/11 21/10 27/21 29/18 42/13 42/24 45/3 50/19 53/23 77/9 77/15 79/8 79/9 87/9 92/23 92/24 92/25 93/1 125/2 126/14</p> <p>hardest [1] 70/14</p> <p>harm [2] 10/13 113/23</p> <p>harmed [2] 56/9 56/10</p> <p>harmer [1] 10/12</p> <p>harming [1] 17/22</p> <p>Harvard [3] 19/2 52/5 52/8</p> <p>has [86] 13/9 15/8 16/20 21/24 27/14 27/16 30/10 30/11 30/21 31/14 33/25 36/1 36/24 45/14 46/12 52/8 57/23 60/22 61/6 62/2 68/13 68/14 71/3 74/2 74/3</p>
--	---	---

H		
has... [61] 74/9 74/12 74/24 78/22 80/17 81/9 84/16 84/21 85/2 85/21 85/24 87/11 93/6 94/10 100/16 101/16 103/21 104/2 104/3 105/13 109/8 109/15 109/20 110/2 111/11 112/2 114/12 114/13 115/23 117/19 118/7 119/16 119/20 119/22 119/25 120/3 120/9 120/15 120/19 120/21 121/12 121/14 121/16 121/17 121/21 121/23 122/3 123/13 123/23 124/12 126/18 126/21 126/21 127/10 127/11 127/21 128/18 129/2 132/8 133/2 133/6	49/14 50/16 53/4 54/14 55/18 60/15 63/18 63/25 86/17 99/20 112/1 113/8 129/1 129/17 129/17	hitting [1] 32/14
hasn't [2] 89/22 89/23	helped [7] 42/14 42/14 45/11 86/16 114/16 117/12 117/17	hoarding [1] 43/9
have [280]	helpful [7] 10/23 13/8 21/2 39/3 99/16 102/11 102/13	hold [5] 3/9 41/10 75/22 126/20 132/4
haven't [6] 21/3 65/16 90/7 90/8 92/5 100/3	helping [3] 37/24 76/1 113/1	holding [1] 48/14
having [24] 22/23 22/23 23/7 35/2 40/9 42/8 43/5 43/6 46/3 46/4 46/21 46/23 46/24 47/6 50/5 68/25 75/11 76/17 91/7 98/4 99/19 99/20 127/15 130/21	helpless [1] 47/13	holds [2] 56/6 56/7
he [64] 13/9 15/8 15/8 26/24 26/24 27/1 27/2 27/2 27/5 27/20 28/5 28/8 28/15 28/25 29/13 29/21 30/2 30/3 30/4 30/5 30/5 30/9 30/10 30/10 32/9 39/10 49/22 49/23 50/4 58/5 58/6 72/1 79/18 79/18 79/19 79/20 79/20 79/21 79/24 84/15 84/16 100/20 101/8 101/9 101/12 103/4 104/2 104/3 104/7 104/9 104/12 106/24 119/4 120/25 121/14 124/7 124/8 125/23 127/21 127/23 127/24 128/3 129/2 133/2	helps [4] 25/1 25/6 46/7 83/20	home [38] 7/7 7/9 8/16 8/17 9/13 17/21 25/20 26/2 29/6 29/8 29/20 29/21 30/4 30/4 32/11 40/24 41/6 42/12 43/5 43/15 44/22 44/23 45/5 45/7 47/15 48/17 49/3 57/4 58/4 61/19 61/19 61/20 61/21 76/14 86/10 86/12 131/3 131/4
he's [24] 15/1 15/8 15/10 15/10 15/11 30/12 65/9 67/22 67/22 84/16 84/20 106/20 106/23 111/25 120/8 121/14 125/21 126/3 127/22 127/25 128/2 128/2 128/6 133/3	hemorrhaging [1] 124/21	homeless [1] 12/5
head [5] 39/21 51/10 70/2 71/18 113/18	Henry [4] 5/5 5/11 83/12 84/2	homelessness [1] 87/24
heading [1] 88/19	her [64] 6/24 9/11 17/21 22/9 22/20 26/11 26/12 26/12 26/13 26/15 26/16 26/16 26/17 26/21 27/15 28/11 31/5 31/16 31/19 32/1 32/8 32/11 32/12 33/24 37/5 37/8 40/20 43/21 43/22 50/22 51/1 51/3 51/4 51/5 52/6 57/3 57/25 58/2 58/3 58/4 58/14 58/14 58/16 58/23 61/9 61/9 62/2 62/2 63/6 65/16 65/17 65/22 94/4 94/6 117/4 117/23 118/1 121/17 124/14 124/16 129/24 130/2 132/9 133/10	homes [18] 14/7 14/8 25/11 25/14 34/6 39/14 40/2 40/4 41/18 41/18 42/5 47/7 60/9 73/10 73/11 82/16 82/22 85/9
heads [1] 83/6	Herbold [3] 2/18 3/24 4/5	homes where [1] 25/11
headway [1] 82/17	here [49] 4/8 4/18 5/1 5/24 13/5 17/11 19/6 20/8 21/6 31/25 37/13 47/5 52/5 53/21 53/22 55/10 56/8 58/7 58/15 58/24 59/2 61/3 61/5 65/24 72/3 75/23 76/12 78/20 84/19 87/18 91/1 94/5 94/17 95/19 96/13 97/10 101/18 101/23 103/12 103/19 105/19 106/15 108/12 118/13 118/14 121/22 122/1 127/19 131/19	honest [4] 61/13 84/4 127/3 130/8
heal [1] 82/5	here's [4] 23/6 38/16 76/12 76/12	Honey [1] 26/18
health [13] 10/11 34/5 63/23 73/16 73/17 73/25 74/5 82/4 85/17 86/20 89/8 89/18 99/13	heroin [3] 26/5 26/9 26/14	Honor [78] 3/11 3/14 3/18 3/23 4/1 4/4 4/17 4/23 5/3 5/9 5/15 6/12 6/19 6/21 7/1 7/22 10/21 11/19 13/1 21/22 22/25 23/13 24/3 24/14 30/15 36/19 37/2 37/4 66/6 66/17 66/22 67/18 68/3 68/7 68/13 69/12 74/8 84/24 100/9 102/11 102/14 103/5 104/16 105/16 106/17 107/4 108/1 108/6 108/12 110/5 110/7 110/17 111/5 113/6 114/23 115/3 115/22 115/23 116/5 116/7 116/19 116/24 117/18 118/7 118/11 119/6 119/9 119/12 119/14 120/9 120/15 121/5 121/19 122/14 122/17 122/21 123/4 134/3
healthcare [1] 89/7	hers [1] 25/24	HONORABLE [1] 1/16
hear [22] 4/12 4/15 6/6 15/9 21/1 21/11 22/16 22/21 23/12 33/17 35/9 39/2 53/7 53/24 57/17 67/23 100/18 102/12 107/17 107/19 108/11 125/1	herself [1] 51/5	hood [1] 105/2
heard [22] 7/15 31/21 34/19 53/11 54/22 54/22 56/17 64/19 69/8 87/17 96/24 97/18 101/23 104/15 111/8 111/17 113/10 114/11 124/25 128/22 130/20 131/23	hesitations [1] 14/15	hook [1] 126/11
hearing [15] 1/14 3/6 4/19 5/3 5/8 5/9 5/19 6/10 14/24 22/5 23/7 33/18 101/10 124/24 131/13	hey [1] 95/12	hope [21] 14/24 16/9 21/13 21/15 33/11 33/12 36/8 36/8 36/14 38/3 64/17 91/12 92/19 112/6 115/9 119/7 125/4 125/11 125/24 126/3 133/23
heart [3] 24/18 24/23 87/22	Hi [1] 83/11	hoped [1] 19/3
heavily [2] 42/20 102/16	hiccup [1] 94/14	hopeful [1] 127/20
held [5] 14/2 46/13 54/8 56/23 132/6	hide [3] 46/2 46/3 51/23	hopes [1] 34/10
Helens [1] 25/21	high [14] 12/4 25/22 26/19 26/23 31/11 32/19 33/7 33/12 42/22 45/1 72/16 85/8 124/5 126/19	hoping [4] 35/19 36/3 51/12 65/5
hell [2] 24/19 24/24	high-need [3] 25/22 26/19 26/23	horrible [1] 29/21
Hello [1] 83/11	higher [1] 15/13	horrors [2] 25/1 25/7
help [26] 7/13 9/10 17/12 24/7 31/17 33/15 36/9 37/20 37/22 45/24 49/13	highest [1] 39/21	hospital [3] 10/14 39/16 52/1
	highlight [1] 113/11	hospitals [1] 7/7
	highlighted [1] 104/14	host [2] 20/19 116/5
	highly [1] 83/21	hosted [3] 13/25 17/1 109/24
	hiking [1] 17/3	hours [3] 75/2 81/22 127/13
	hilariously [1] 49/23	house [7] 26/24 27/4 28/11 29/16 46/19 46/25 76/8
	him [23] 14/24 14/25 15/9 28/9 28/10 29/18 49/23 49/24 50/2 50/3 50/5 67/21 71/21 79/22 80/7 80/8 80/9 101/13 103/25 103/25 104/7 105/1 113/8	housing [3] 89/9 89/16 90/1
	himself [1] 30/2	how [88] 6/7 7/16 8/7 8/12 10/9 11/10 13/19 16/25 17/3 19/16 19/17 19/20 20/11 20/12 20/24 21/5 21/5 21/10 28/11 28/22 34/23 40/10 40/10 41/3 41/7 41/7 41/9 41/9 41/9 41/10 41/11 41/11 41/13 41/13 41/14 41/25 42/17 44/9 45/22 48/4 49/19 49/20 50/10 51/17 51/17 52/22 54/24 60/16 62/3 63/15 63/16 63/17 65/18 70/7 71/22 72/23 72/24 79/4 79/19 81/22 81/23 82/13 82/14 82/14 91/19 93/8 93/19 97/19 97/21 98/10 99/18 100/5 101/20 102/19 104/9 110/22
	hindsight [1] 77/19	
	hire [2] 117/7 128/3	
	hirings [1] 131/12	
	his [13] 28/9 28/11 49/25 68/14 80/11 104/8 104/9 104/12 115/11 120/24 121/12 126/3 133/2	
	historically [1] 76/20	
	hit [1] 28/11	
	hits [1] 110/24	

<p>H</p> <p>how... [12] 111/11 112/3 116/2 116/16 117/8 126/4 126/4 126/14 127/11 128/23 129/1 129/19</p> <p>However [2] 40/1 57/25</p> <p>huge [2] 59/18 84/10</p> <p>human [8] 5/5 11/6 15/22 71/4 83/12 98/17 103/9 128/5</p> <p>humor [1] 22/24</p> <p>hump [1] 55/4</p> <p>hurdles [1] 21/8</p> <p>hurt [3] 44/11 60/22 61/16</p> <p>hurting [1] 47/9</p> <p>hyper [1] 40/4</p> <p>hyper-religious [1] 40/4</p>	<p>implementation [8] 93/5 101/14 101/16 111/19 111/21 120/1 121/19 122/12</p> <p>implementing [2] 78/7 94/20</p> <p>importance [1] 119/13</p> <p>important [20] 34/19 34/20 60/2 64/20 72/24 73/21 75/4 91/2 91/15 101/15 101/19 102/7 103/20 113/20 113/23 115/13 123/13 123/17 130/24 131/14</p> <p>importantly [6] 13/8 21/7 59/8 106/13 122/13 125/10</p> <p>impressions [1] 79/21</p> <p>impressive [3] 15/23 52/17 110/19</p> <p>improve [12] 11/12 11/25 13/17 13/19 70/17 81/5 115/25 116/16 117/9 121/13 123/2 133/8</p> <p>improvement [11] 75/7 85/4 91/3 103/10 118/24 119/2 119/19 120/8 120/16 120/23 128/15</p> <p>improvements [5] 119/17 119/21 120/23 121/9 122/19</p> <p>improving [4] 81/7 117/3 120/4 127/7</p> <p>inaccurate [1] 77/13</p> <p>inadequate [2] 4/10 54/17</p> <p>inches [1] 81/10</p> <p>incident [1] 9/25</p> <p>incidents [1] 9/23</p> <p>include [1] 104/23</p> <p>included [4] 76/7 81/6 104/20 112/21</p> <p>includes [3] 100/13 104/19 109/16</p> <p>including [7] 7/6 7/7 20/9 89/16 111/25 127/2 129/14</p> <p>increase [2] 117/13 117/14</p> <p>incredible [4] 19/2 52/18 52/19 84/15</p> <p>incredibly [3] 99/16 127/23 132/2</p> <p>indebted [1] 123/25</p> <p>independent [3] 11/11 13/9 90/23</p> <p>indicated [1] 12/9</p> <p>indicating [1] 17/11</p> <p>indicative [1] 104/21</p> <p>indifference [1] 123/1</p> <p>individual [6] 86/22 104/23 105/1 114/3 115/15 132/24</p> <p>individually [2] 15/12 125/9</p> <p>individuals [8] 14/11 76/22 99/21 116/5 118/9 123/15 123/16 129/6</p> <p>indoctrinating [1] 47/9</p> <p>ineffective [1] 44/3</p> <p>infant [1] 73/22</p> <p>infants [1] 81/16</p> <p>infected [1] 48/25</p> <p>infection [1] 49/2</p> <p>inferentially [1] 72/15</p> <p>inflicted [1] 10/16</p> <p>influence [1] 9/24</p> <p>information [31] 6/4 10/4 20/15 34/24 37/24 51/13 51/14 53/10 90/19 91/6 92/6 93/5 93/14 96/25 97/4 97/23 98/3 98/5 99/16 99/25 101/14 104/1 104/12 104/23 105/12 106/19 106/20 107/2 107/20 109/4 125/19</p> <p>informed [10] 18/22 34/25 52/9 52/11 52/13 100/25 101/4 101/13 101/22 114/8</p> <p>infusion [1] 80/4</p> <p>ingrained [2] 50/11 50/11</p> <p>initial [2] 103/2 124/1</p>	<p>initially [1] 79/6</p> <p>initiated [1] 33/25</p> <p>initiative [4] 88/20 89/7 89/9 89/18</p> <p>initiatives [2] 89/16 89/16</p> <p>injury [2] 45/19 45/19</p> <p>innovation [1] 121/14</p> <p>innovative [1] 119/6</p> <p>input [2] 117/19 118/1</p> <p>ins [1] 42/6</p> <p>inside [2] 59/8 70/16</p> <p>insisted [1] 83/6</p> <p>insistence [1] 80/15</p> <p>insists [1] 79/17</p> <p>inspired [1] 127/24</p> <p>inspiring [1] 127/20</p> <p>instance [1] 60/3</p> <p>instances [1] 15/4</p> <p>instantly [3] 26/15 32/11 32/12</p> <p>instead [12] 42/18 43/5 43/5 46/21 46/22 46/23 46/24 46/24 54/23 63/5 114/6 118/17</p> <p>insurance [1] 41/14</p> <p>integrated [3] 74/6 112/23 112/24</p> <p>integrating [1] 90/23</p> <p>integration [1] 76/16</p> <p>integrity [1] 78/3</p> <p>intellect [1] 55/3</p> <p>intends [1] 68/9</p> <p>intensive [2] 45/19 114/9</p> <p>intent [5] 102/4 104/11 126/17 134/10 134/10</p> <p>intentional [3] 96/15 102/15 113/17</p> <p>intentionally [1] 118/25</p> <p>interact [2] 43/23 99/9</p> <p>interaction [2] 93/20 95/14</p> <p>interest [3] 19/7 83/18 114/19</p> <p>interested [3] 79/19 88/18 88/21</p> <p>interesting [6] 22/22 60/5 61/12 66/25 71/11 77/25</p> <p>interfere [1] 122/15</p> <p>interim [1] 108/22</p> <p>internal [1] 11/12</p> <p>interrupt [3] 9/1 50/12 83/8</p> <p>interrupted [1] 85/1</p> <p>intervene [1] 104/23</p> <p>intervention [4] 9/6 63/23 63/24 112/7</p> <p>interview [1] 99/10</p> <p>interviews [2] 100/12 100/13</p> <p>intimately [1] 79/13</p> <p>intricacies [1] 126/15</p> <p>introduce [3] 3/7 4/7 4/18</p> <p>introduces [1] 11/9</p> <p>introduction [1] 11/10</p> <p>introductions [2] 5/14 22/3</p> <p>invested [1] 112/14</p> <p>investigate [1] 70/20</p> <p>investigated [1] 81/19</p> <p>investigation [1] 114/10</p> <p>investigations [1] 81/20</p> <p>investigative [1] 34/22</p> <p>investment [2] 80/11 80/16</p> <p>investments [1] 80/9</p> <p>invoicing [1] 107/13</p> <p>involved [15] 16/24 18/12 36/8 53/15 59/5 79/13 94/14 94/18 95/17 98/10</p>
<p>I</p> <p>I'd [13] 4/7 4/18 8/13 8/14 14/21 37/4 40/16 61/2 68/18 79/8 93/13 96/20 119/20</p> <p>I'll [9] 13/1 54/2 61/5 66/9 68/17 97/22 107/13 109/12 119/12</p> <p>I'm [125] 3/12 3/14 4/9 4/13 6/4 6/22 7/12 9/1 10/21 14/25 17/2 17/15 17/16 17/17 17/18 17/24 18/19 20/9 20/11 20/12 21/25 21/25 22/5 22/14 22/16 22/18 23/6 23/7 23/7 23/12 23/13 23/19 23/22 24/3 24/14 24/16 26/9 26/18 30/25 31/3 31/3 31/9 31/10 31/10 32/6 33/23 34/9 35/3 35/19 36/3 38/6 38/21 40/12 41/14 43/17 45/9 46/3 46/3 46/7 47/5 47/5 47/6 50/7 50/7 50/8 50/12 50/18 51/12 51/16 53/6 53/8 53/21 53/22 54/12 54/23 58/8 59/2 59/20 59/21 59/21 61/2 61/2 61/22 64/7 65/5 65/14 65/23 66/9 67/9 67/10 67/12 67/13 67/13 67/19 67/19 67/20 68/20 68/22 68/24 80/19 80/20 83/19 84/12 84/25 87/4 87/5 89/22 91/4 91/15 95/17 96/22 97/14 98/11 99/4 107/18 108/11 108/12 114/24 123/23 124/6 128/3 131/17 132/3 132/16 133/22</p> <p>I've [32] 5/16 10/24 15/13 16/19 17/19 18/16 18/17 19/2 23/15 29/23 30/9 32/5 34/19 38/9 40/14 49/16 53/15 54/2 55/12 69/8 69/8 70/13 72/3 84/11 87/3 94/17 95/25 98/15 101/23 111/8 124/11 125/1</p> <p>iceberg [2] 21/9 52/3</p> <p>idea [6] 9/20 22/23 41/3 41/19 57/5 100/4</p> <p>ideal [1] 34/3</p> <p>ideally [1] 41/7</p> <p>ideas [4] 35/21 91/25 95/12 111/25</p> <p>identified [3] 93/3 95/23 118/25</p> <p>identify [3] 95/10 119/5 120/18</p> <p>identifying [1] 18/7</p> <p>ignore [3] 40/6 43/22 49/18</p> <p>ignored [1] 25/10</p> <p>ill [1] 2/4</p> <p>imagine [2] 33/21 95/14</p> <p>imagined [1] 99/23</p> <p>immediate [1] 73/20</p> <p>immediately [2] 23/20 82/9</p> <p>impactful [1] 7/4</p> <p>impacts [1] 11/10</p> <p>implement [1] 93/6</p>		

<p>I</p> <p>involved... [5] 102/21 110/25 114/12 115/9 119/10</p> <p>involvement [2] 114/15 116/20</p> <p>involving [1] 121/3</p> <p>is [353]</p> <p>isn't [7] 36/10 54/17 63/11 77/4 95/12 95/20 106/21</p> <p>isolate [1] 9/25</p> <p>isolated [1] 10/1</p> <p>issue [5] 15/7 25/9 60/12 113/3 130/9</p> <p>issues [17] 12/3 24/25 25/4 26/10 26/17 40/14 50/22 50/23 64/23 68/8 68/25 80/5 84/18 104/21 123/20 129/7 129/10</p> <p>it [287]</p> <p>it's [116] 15/6 15/16 16/3 17/13 17/13 17/14 18/24 19/16 23/6 26/18 27/12 29/8 33/25 36/12 41/19 41/20 41/21 42/4 46/10 46/10 47/11 49/5 49/6 49/8 49/18 50/14 50/18 51/4 51/10 51/11 51/24 53/6 54/11 54/18 54/19 54/20 54/24 56/19 56/22 56/22 56/23 57/8 57/9 57/9 57/18 57/18 61/18 61/18 61/19 61/25 62/5 64/5 64/21 65/3 66/3 67/11 67/15 68/21 68/22 76/9 77/19 78/10 78/11 78/13 79/7 79/9 79/15 79/16 80/1 80/7 81/1 81/10 81/12 82/9 83/25 84/8 85/13 85/20 85/21 90/10 90/13 91/10 94/12 94/25 96/15 96/16 97/1 97/25 98/8 98/22 99/2 99/3 99/10 99/11 99/18 100/19 101/2 103/1 104/1 104/13 104/13 104/20 106/22 109/5 110/23 111/10 112/6 112/23 113/23 118/16 128/23 128/23 129/5 130/8 130/9 132/5</p> <p>its [28] 18/25 33/25 70/19 74/2 74/3 81/2 81/5 81/5 81/5 81/9 81/9 85/16 85/17 85/18 85/25 92/1 93/6 101/17 113/15 116/16 119/16 120/1 120/23 121/9 121/10 121/23 122/12 122/12</p> <p>itself [2] 108/10 134/7</p>	<p>124/18 126/9 126/10 126/10 126/11 126/12 126/18 126/18 129/17 129/23 130/11 132/25 133/5 133/9 133/25</p> <p>judges [4] 69/8 127/13 132/24 133/19</p> <p>judgment [1] 123/6</p> <p>judgments [1] 99/6</p> <p>judicial [1] 99/3</p> <p>judiciary [1] 116/8</p> <p>Julianna [11] 22/12 22/13 22/19 22/21 23/14 24/4 24/15 27/8 30/16 54/13 115/7</p> <p>jump [3] 64/17 108/17 108/18</p> <p>juncture [1] 56/18</p> <p>June [2] 8/13 33/2</p> <p>jurisdiction [4] 30/19 85/2 101/18 121/3</p> <p>jurisdictions [15] 69/4 83/2 84/22 87/20 92/23 95/6 95/25 96/10 97/20 98/1 101/6 102/21 102/22 119/7 127/14</p> <p>just [132] 4/9 4/13 6/2 6/5 6/23 6/24 7/14 7/19 7/20 8/13 8/14 8/16 9/17 13/4 14/16 16/7 17/13 17/18 19/13 20/25 21/9 22/14 23/9 23/23 24/1 25/23 26/4 26/6 26/18 26/19 27/5 27/11 27/13 28/10 28/15 28/18 28/20 28/25 29/6 30/24 31/18 31/20 32/1 32/2 32/4 32/5 33/22 35/14 35/17 36/16 37/23 38/17 38/21 40/22 44/21 46/11 46/13 47/13 49/5 49/6 49/18 50/14 50/16 50/25 51/1 51/2 51/5 51/10 51/23 51/24 52/2 53/8 53/23 54/17 54/24 55/18 55/19 56/25 58/14 60/14 60/15 61/2 61/2 61/8 62/5 62/7 63/14 64/5 64/8 64/10 64/17 66/18 67/7 67/12 67/14 70/19 72/8 73/18 75/9 75/15 75/22 77/7 79/18 80/1 83/15 84/6 84/6 84/9 85/10 85/22 91/11 91/11 91/19 93/24 94/16 95/6 96/4 99/14 103/24 104/4 104/11 106/17 107/18 108/18 110/11 113/11 118/15 119/12 129/3 130/12 131/24 132/21</p> <p>justice [2] 19/15 62/4</p> <p>juvenile [9] 16/2 50/22 53/10 59/15 60/6 91/7 103/9 103/10 117/6</p> <p>juxtapose [1] 69/4</p>	<p>60/20 60/23 61/1 64/16 86/7 86/10 86/12 86/19 86/24 112/1 113/1 125/21 128/6</p> <p>kill [1] 28/3</p> <p>killed [1] 45/8</p> <p>killing [1] 72/8</p> <p>kin [1] 82/21</p> <p>kind [16] 10/17 14/18 14/19 22/17 36/5 48/11 58/23 59/4 63/4 87/18 98/9 100/21 102/5 110/3 129/24 134/9</p> <p>kinds [2] 58/18 112/6</p> <p>kinship [3] 7/7 82/19 82/23</p> <p>kite [1] 16/16</p> <p>Klamath [1] 124/12</p> <p>knew [6] 11/25 15/5 43/10 80/3 110/20 123/21</p> <p>know [95] 4/21 7/20 9/14 9/18 10/8 13/5 13/18 13/18 17/25 21/5 21/11 26/22 27/11 27/12 27/13 30/5 30/6 33/16 34/18 36/9 38/2 39/24 40/25 40/25 41/25 43/12 43/13 43/16 44/9 44/13 45/22 46/6 47/12 47/18 49/19 49/20 52/17 53/22 55/19 55/19 55/24 56/17 60/5 61/2 61/14 61/21 63/15 63/16 63/16 65/17 65/21 66/7 66/16 66/19 66/22 67/8 67/22 67/22 67/25 70/13 71/15 73/16 74/2 75/19 75/21 77/4 77/4 78/19 79/17 80/4 84/8 84/18 85/15 85/19 85/22 89/2 89/24 90/6 90/6 92/1 92/24 93/21 94/17 99/20 103/8 106/6 108/22 110/21 111/9 112/4 113/2 124/7 124/25 128/2 130/7</p> <p>know: [1] 47/17</p> <p>know: draw [1] 47/17</p> <p>knowing [6] 26/9 38/12 44/5 47/2 90/14 90/14</p> <p>knowledge [2] 53/17 89/25</p> <p>known [2] 57/23 124/11</p> <p>knows [2] 126/14 126/15</p> <p>KOTEK [7] 1/6 3/5 5/6 5/12 83/13 117/10 132/9</p> <p>Kotek's [2] 117/12 117/15</p>
<p>J</p> <p>Jane [1] 48/1</p> <p>Jersey [49] 36/5 69/13 69/17 70/4 70/15 70/18 71/19 71/20 72/12 72/19 73/8 73/15 73/22 74/2 74/7 74/9 74/12 74/13 75/16 76/17 76/20 77/24 78/16 78/17 79/13 80/1 80/2 80/14 80/25 84/12 86/1 86/6 86/7 86/9 87/1 87/1 87/3 88/3 88/5 90/5 90/9 90/16 94/3 94/4 94/6 98/2 98/20 125/24 127/10</p> <p>Jersey's [5] 78/19 81/3 85/6 85/21 88/15</p> <p>job [5] 16/7 29/11 29/24 88/22 131/15</p> <p>jobs [2] 88/15 120/6</p> <p>John [1] 116/9</p> <p>joint [1] 122/22</p> <p>Jones [1] 117/22</p> <p>Jordan [5] 32/13 32/13 32/15 32/16 32/16</p> <p>journey [1] 36/12</p> <p>judge [37] 1/17 15/12 16/2 35/3 35/8 53/11 59/16 66/9 71/15 84/13 90/6 91/7 114/15 116/9 116/12 116/14 116/15 116/20 116/21 123/25 124/6 124/16</p>	<p>K</p> <p>Kaleb [1] 111/24</p> <p>Kate [1] 117/1</p> <p>kayak [1] 17/4</p> <p>keep [12] 43/11 43/15 50/5 63/8 63/9 65/18 86/10 86/11 100/25 101/13 101/22 111/8</p> <p>keeping [1] 111/6</p> <p>Keeps [3] 18/21 19/1 51/16</p> <p>Kelsey [1] 4/4</p> <p>Kelsi [1] 2/18</p> <p>kept [1] 80/10</p> <p>Kevin [5] 67/20 68/13 125/16 127/3 127/5</p> <p>key [8] 18/7 78/14 81/6 92/21 119/20 121/19 122/2 122/4</p> <p>kicked [1] 57/3</p> <p>kid [10] 26/19 26/23 28/2 29/10 42/13 43/7 43/19 51/6 61/18 61/19</p> <p>kids [32] 25/1 25/6 25/8 25/22 25/25 26/22 27/2 28/9 28/10 32/14 34/5 36/13 36/16 39/21 43/24 51/6 56/13 56/25 60/7</p>	<p>L</p> <p>labor [1] 10/25</p> <p>Lacey [2] 5/1 121/25</p> <p>lack [6] 10/8 13/24 18/11 72/11 82/15 85/9</p> <p>lacked [1] 13/22</p> <p>lacking [1] 14/9</p> <p>lake [1] 48/25</p> <p>landed [1] 10/13</p> <p>languages [1] 109/1</p> <p>languishing [4] 70/25 76/23 81/17 82/2</p> <p>large [2] 106/18 117/2</p> <p>largely [1] 74/5</p> <p>last [13] 23/14 24/4 24/15 27/18 40/22 47/15 74/8 74/9 87/7 91/10 97/23 102/19 109/4</p> <p>lasting [1] 11/9</p> <p>late [2] 124/3 132/21</p> <p>later [5] 8/1 14/24 68/17 92/19 92/19</p> <p>Latin [1] 87/25</p> <p>Lauren [2] 2/17 3/23</p> <p>law [4] 19/1 19/8 117/6 118/13</p> <p>lawmakers [1] 77/21</p> <p>lawsuit [15] 7/4 11/23 15/3 64/22 69/15</p>

L	lawsuit... [10] 74/2 81/1 81/2 81/9 85/4 85/14 89/22 99/2 117/2 122/5 lawyer [7] 28/5 28/6 29/20 30/7 30/9 58/4 59/7 lawyer's [2] 23/16 24/17 lawyered [1] 123/24 lawyering [4] 58/23 65/4 65/11 123/22 lawyers [13] 10/3 20/12 22/17 22/18 65/5 65/12 94/1 94/6 94/8 94/14 94/18 106/6 130/5 lay [2] 6/5 6/8 lead [7] 64/23 64/24 64/24 64/25 64/25 75/8 94/5 leader [2] 36/4 94/5 leaders [5] 11/20 74/24 82/8 94/11 118/15 leadership [12] 4/7 4/18 75/5 76/16 82/7 89/14 120/25 121/10 122/2 127/4 127/6 132/11 leading [2] 19/5 20/8 Leads [1] 65/1 lean [1] 23/8 learn [7] 41/5 41/8 50/9 53/15 60/14 60/15 116/12 learned [8] 16/25 17/3 60/19 74/13 84/12 102/22 118/14 120/8 learning [2] 51/2 111/6 least [6] 64/18 71/10 84/21 87/18 90/9 124/8 leave [5] 14/25 28/5 44/17 44/23 87/18 leaving [1] 89/8 led [3] 33/18 42/8 76/16 left [8] 17/12 57/1 87/3 87/7 89/5 126/16 128/17 128/18 legacy [4] 15/21 21/15 36/10 84/16 legal [4] 3/12 30/21 58/17 114/4 leggings [1] 48/14 legislative [4] 77/5 83/21 117/11 120/14 legislature [5] 79/25 87/11 120/13 128/4 132/10 legislature's [1] 80/16 Legos [1] 16/16 legs [1] 41/9 length [4] 114/18 129/13 129/23 130/3 lengths [1] 59/10 lengthy [2] 114/7 118/8 leniency [2] 14/19 14/19 lesbian [2] 76/21 76/24 less [6] 34/15 54/18 68/20 68/21 85/22 108/23 lesson [2] 78/11 120/7 lessons [5] 74/15 74/20 74/20 102/22 120/7 let [10] 17/16 17/18 31/21 61/15 74/19 75/23 86/10 86/11 96/20 110/5 let's [6] 3/9 6/11 64/17 67/1 67/1 90/14 lethal [1] 72/7 lethargic [1] 73/8 lets [2] 29/8 61/14 letter [5] 20/10 37/17 37/18 37/20 48/3 letting [4] 18/14 26/22 57/13 57/14 leukemia [3] 45/1 45/2 58/25 level [8] 51/3 60/23 80/11 82/21 96/7 113/18 120/6 129/2	levels [4] 52/12 61/1 123/14 129/9 leverage [1] 63/17 Lexington [1] 2/15 librarian [2] 32/4 33/10 library [4] 31/19 33/9 40/8 42/12 licensed [1] 76/6 licensing [1] 76/2 life [25] 16/6 16/12 17/4 23/15 24/16 41/6 42/21 43/22 45/21 46/4 46/12 46/21 51/1 51/4 51/7 51/8 55/4 55/18 58/5 59/3 60/14 62/22 62/23 131/2 131/3 life's [1] 133/2 light [1] 58/5 lightning [1] 53/13 like [100] 4/7 4/18 6/6 6/15 7/10 7/23 8/9 9/17 9/22 10/8 11/16 11/18 11/23 11/24 12/6 13/12 13/17 14/17 14/21 16/17 20/17 20/17 20/22 20/22 21/21 21/22 22/6 22/20 27/6 27/22 28/15 28/25 29/14 30/24 32/5 32/8 33/15 33/21 37/4 37/5 37/9 39/13 40/5 40/18 41/8 42/7 42/12 43/3 43/11 44/21 46/8 47/11 49/6 49/24 50/19 51/8 52/24 55/15 61/14 61/25 65/7 66/8 66/12 67/8 67/11 67/16 68/11 68/18 70/11 75/13 78/12 81/3 81/13 84/21 85/6 85/21 86/4 89/11 91/5 92/14 96/22 100/19 101/1 101/9 101/23 102/4 106/25 108/17 111/10 112/2 113/2 113/7 113/8 115/3 115/5 119/20 122/5 124/24 126/2 126/18 liked [1] 43/7 likes [1] 36/4 liking [2] 47/23 47/23 limit [2] 104/11 104/12 limitation [3] 96/14 96/16 97/15 limited [3] 12/3 18/24 104/20 line [2] 66/10 77/14 link [1] 22/5 Linn [1] 16/22 Linn-Benton [1] 16/22 listen [6] 20/16 53/24 54/24 54/25 64/21 68/4 listened [1] 36/23 listening [19] 13/22 13/23 35/20 57/15 57/20 59/23 60/11 83/13 83/16 84/9 92/3 92/6 92/7 92/11 92/12 99/20 109/24 110/4 129/6 literally [4] 49/6 50/24 72/18 130/21 lithium [1] 42/23 litigation [5] 75/7 106/6 113/9 118/8 124/10 little [20] 26/18 29/12 29/15 32/13 33/19 37/20 37/22 40/17 41/24 42/9 58/4 58/6 79/1 84/7 90/6 91/17 102/2 103/5 129/15 130/1 live [5] 19/5 27/2 31/20 32/14 126/6 lived [3] 17/19 32/16 115/12 lives [6] 64/25 64/25 121/13 123/20 133/8 134/10 living [6] 28/14 28/24 29/13 31/25 32/2 53/18 LLP [1] 2/4 location [1] 10/4 lock [2] 28/11 39/7 lockdown [1] 39/15	locked [2] 26/25 39/20 long [24] 6/3 14/12 15/11 15/16 18/17 21/2 36/2 36/2 36/2 40/13 42/23 52/4 61/17 62/5 65/16 65/16 87/3 102/19 108/23 115/23 125/2 131/21 131/22 133/12 longer [6] 30/19 42/22 57/8 64/12 77/22 86/11 longevity [1] 60/24 look [31] 7/19 13/16 23/19 23/23 47/10 52/22 52/23 52/23 53/1 54/16 59/14 65/14 67/7 77/19 81/13 91/24 101/1 104/17 105/2 106/3 111/21 118/17 125/7 128/5 128/24 129/19 130/11 130/19 131/23 132/19 133/23 looked [3] 40/5 81/13 91/18 looking [16] 19/7 34/2 46/5 47/6 55/23 55/25 56/1 59/20 66/15 97/14 102/20 102/22 105/14 106/10 112/16 132/3 looks [2] 11/18 85/5 Lori [1] 62/21 lose [1] 130/1 lost [6] 41/25 49/21 50/4 57/3 87/3 129/25 lot [43] 13/7 14/10 17/4 17/5 17/19 36/13 38/1 41/5 46/7 51/17 53/23 54/20 56/4 57/16 62/3 67/8 67/11 70/10 74/15 77/11 81/3 85/5 85/18 85/21 88/5 92/1 92/6 93/7 93/15 93/24 102/17 102/20 103/6 103/11 103/17 104/5 104/5 110/2 112/9 125/1 126/25 127/9 128/8 lots [6] 55/22 73/6 73/6 77/13 78/17 78/17 loud [1] 111/8 love [16] 22/14 24/18 24/23 38/5 38/7 38/10 43/14 43/15 58/4 61/13 61/14 61/17 61/25 64/3 64/4 82/10 loved [5] 40/18 40/18 49/23 62/1 77/25 loving [3] 76/22 82/19 131/5 low [1] 110/5 lower [1] 73/1 lowest [1] 70/19 Lowry [2] 2/14 3/14 luck [1] 134/12 lucky [3] 45/9 52/4 128/3 lunch [2] 67/8 67/9 lymphobic [1] 45/2
		M ma'am [1] 12/8 mad [1] 26/24 made [17] 21/16 37/23 51/5 60/10 71/7 83/25 89/12 89/19 93/6 94/9 107/7 107/16 116/11 116/18 119/20 128/10 130/15 magistrate [1] 114/16 maintain [2] 51/18 107/20 maintained [1] 80/10 major [2] 54/4 59/9 majority [1] 81/9 make [51] 5/20 5/21 9/1 13/17 16/7 16/9 20/13 21/3 24/1 26/3 26/12 27/10 34/25 37/24 39/1 44/17 51/12 56/8 56/12 59/18 63/13 72/25 73/2 74/25 75/1 80/9 91/11 93/21 97/21 99/4 101/3 102/8 104/6	

M	media [1] 110/12 mediating [1] 98/24 mediation [16] 115/22 115/24 115/25 116/2 116/4 116/9 116/14 116/20 116/24 117/16 117/24 118/8 119/6 119/10 129/17 129/22 mediator [2] 116/10 116/13 Medicaid [3] 74/5 83/3 86/23 medical [2] 45/6 45/8 medically [1] 73/20 medicated [1] 42/20 medication [3] 10/7 10/9 50/25 medications [1] 42/19 meet [7] 35/15 45/6 84/17 86/22 88/24 101/2 131/24 meeting [4] 15/2 45/8 96/4 106/1 meetings [2] 81/21 88/24 meets [2] 97/6 132/17 member [2] 3/13 99/1 members [4] 11/1 111/13 114/11 125/10 memories [1] 17/13 memory [2] 17/16 41/24 men [1] 22/7 mental [5] 7/25 10/11 34/5 63/23 99/13 mentally [4] 25/8 25/11 25/15 25/16 mentioned [2] 34/9 114/6 mentor [3] 73/3 112/8 112/11 mentoring [1] 113/1 mentors [3] 112/5 112/6 112/13 message [2] 72/15 75/12 met [5] 30/10 51/6 55/5 79/22 100/22 metabolism [1] 94/16 metrics [1] 101/19 Mexico [7] 98/7 98/10 98/21 98/23 98/24 99/9 99/14 mic [2] 38/17 105/18 Michigan [29] 36/5 74/17 78/21 85/4 85/11 85/18 85/23 85/23 85/25 86/2 87/8 87/8 87/11 89/6 89/6 89/14 90/5 90/9 90/17 94/8 98/2 98/13 98/14 98/14 99/11 127/12 127/12 133/9 133/11 microphone [8] 4/10 4/14 5/25 21/24 23/8 23/10 37/6 38/23 middle [2] 33/6 46/3 might [11] 9/18 19/3 35/22 37/19 38/16 44/21 58/10 97/16 100/4 124/23 126/5 miles [3] 7/8 7/15 8/16 milestones [1] 79/22 milieu [2] 9/22 9/23 million [2] 121/5 121/6 millions [2] 14/15 112/14 mind [4] 10/21 27/3 37/14 69/11 mine [2] 43/10 43/11 Miner [1] 2/4 minimum [3] 39/15 43/20 43/20 ministry [3] 40/2 40/3 47/3 minute [2] 31/21 109/2 minutes [3] 33/17 37/12 67/2 mischievous [1] 49/22 missed [2] 14/4 14/5 missing [2] 54/13 94/23 Mistolla [3] 29/17 30/21 32/18 mistreating [1] 42/4 mistrust [2] 75/15 90/25	mode [1] 45/23 model [9] 73/16 73/17 74/4 80/18 82/9 112/22 119/7 127/9 128/24 molasses [1] 27/22 molested [3] 41/23 42/2 46/21 mom [24] 14/18 24/18 24/23 25/3 25/22 26/16 26/23 27/1 28/15 29/1 29/17 29/18 31/5 32/1 37/5 37/20 37/22 42/16 43/2 45/10 50/3 58/1 58/7 61/11 mom's [1] 58/7 moment [1] 10/25 moments [2] 22/23 46/4 money [13] 25/23 26/4 26/7 26/19 30/10 35/4 59/17 64/16 75/17 75/18 75/18 86/10 86/13 monitor [1] 85/5 monitored [1] 69/18 monitoring [1] 121/5 Monte [1] 48/1 month [7] 40/1 79/23 79/23 88/24 101/2 121/6 124/24 monthly [1] 99/9 months [12] 8/9 8/11 8/22 28/14 28/24 49/11 70/25 72/20 73/9 76/18 86/25 124/24 more [81] 4/11 6/23 11/15 11/16 11/17 13/8 13/14 16/7 21/7 25/25 26/22 29/2 30/11 35/11 35/14 38/7 40/2 40/8 51/5 52/16 53/7 53/8 55/21 56/2 56/9 56/14 56/25 57/7 58/13 58/13 59/8 59/16 60/6 60/19 61/1 61/23 62/8 62/18 62/18 62/19 63/19 64/13 68/20 71/11 71/12 72/20 75/17 75/18 75/18 76/17 77/5 77/6 78/3 78/10 79/23 81/3 81/8 85/5 89/4 89/21 92/1 95/1 95/4 95/13 103/5 104/6 104/9 106/7 107/4 111/1 112/20 114/12 116/12 118/17 118/18 119/12 123/6 125/3 126/24 128/8 130/17 Moreland [1] 52/4 Moreland-Capua [1] 52/4 morning [16] 3/11 3/23 4/4 4/23 4/24 5/2 7/1 22/25 23/13 24/3 24/14 27/4 37/16 75/21 96/24 124/25 most [25] 15/18 16/3 16/4 22/22 27/3 30/1 30/9 39/19 42/21 43/6 61/12 65/3 72/8 82/10 83/17 84/13 85/15 106/13 112/22 122/13 125/10 130/24 131/14 132/14 132/25 mostly [1] 37/23 mother [6] 22/20 39/6 40/19 41/15 41/23 57/25 motion [4] 70/4 73/12 122/22 131/21 motions [1] 48/23 motivation [1] 88/2 move [14] 6/23 6/24 17/12 19/18 32/5 38/16 43/4 43/4 43/12 49/25 65/6 108/8 113/1 128/15 moved [11] 7/8 7/15 25/23 28/1 31/13 32/8 42/11 43/17 45/7 49/25 118/13 movement [1] 78/8 moves [1] 93/17 moving [5] 53/9 69/24 106/7 106/14 112/10 Mr [4] 2/4 2/7 2/10 2/17 Mr. [41] 59/21 59/21 66/24 68/1 68/18
----------	--	--

<p>M</p> <p>Mr.... [36] 69/1 83/20 84/25 101/5 101/7 101/20 101/25 102/21 103/3 103/20 104/18 104/25 105/25 106/8 106/19 107/1 108/3 108/5 108/7 113/8 113/21 115/11 118/22 119/4 119/12 120/7 120/21 120/21 120/24 121/7 126/3 127/2 127/21 132/20 133/7 133/23</p> <p>Mr. Fariborz [1] 127/2</p> <p>Mr. Gambia [1] 113/8</p> <p>Mr. Ryan [34] 59/21 59/21 66/24 68/1 68/18 69/1 83/20 84/25 101/5 101/7 101/20 101/25 102/21 103/3 103/20 104/25 105/25 106/19 107/1 108/3 108/5 108/7 115/11 118/22 119/4 119/12 120/21 120/24 121/7 126/3 127/21 132/20 133/7 133/23</p> <p>Mr. Ryan's [5] 104/18 106/8 113/21 120/7 120/21</p> <p>Ms [4] 2/10 2/14 2/17 2/18</p> <p>Ms. [14] 6/14 6/21 37/5 58/9 59/22 59/25 61/6 65/15 65/25 66/23 84/2 102/15 114/6 122/3</p> <p>Ms. Andresen [1] 122/3</p> <p>Ms. Blaesing [2] 66/23 114/6</p> <p>Ms. Cooper [1] 102/15</p> <p>Ms. Crooks [6] 58/9 59/22 59/25 61/6 65/15 65/25</p> <p>Ms. Currans-Henry [1] 84/2</p> <p>Ms. Rain [1] 37/5</p> <p>Ms. Whitney [2] 6/14 6/21</p> <p>much [32] 8/1 9/24 10/9 21/5 29/2 31/14 31/18 34/21 34/23 40/10 40/16 53/6 57/14 65/2 65/14 65/24 72/10 77/21 85/12 85/13 87/13 89/4 89/21 90/10 95/3 95/13 107/15 108/23 124/5 125/13 128/5 130/2</p> <p>multiple [3] 39/16 52/12 127/25</p> <p>multitude [1] 40/4</p> <p>Multnomah [2] 39/22 52/9</p> <p>Munchausen [1] 77/24</p> <p>muscle [1] 10/15</p> <p>must [1] 120/2</p> <p>mutual [1] 96/17</p> <p>my [204]</p> <p>myself [5] 23/16 24/17 24/22 33/20 49/17</p>	<p>29/11 34/13 52/14 52/20 53/18 55/4 56/7 56/23 56/25 61/23 63/3 63/25 65/13 76/15 91/7 96/11 97/14 102/5 104/22 105/8 107/17 107/19 109/3 111/2 111/19 111/21 112/21 119/1 120/6 124/21 125/5 125/5 125/6 129/18 132/5 134/1 134/9</p> <p>needed [18] 15/5 28/4 30/3 30/4 30/6 31/17 60/12 77/16 80/3 82/4 85/11 86/20 86/21 104/23 111/12 124/10 124/22 129/10</p> <p>needle [1] 106/15</p> <p>needs [37] 13/10 15/2 15/17 20/6 20/7 25/9 30/13 34/7 34/24 35/4 45/7 45/8 52/20 54/16 56/21 56/21 57/5 57/9 59/22 62/18 62/18 62/19 62/19 64/4 65/11 84/17 86/20 86/22 102/25 104/7 104/8 104/13 112/23 112/24 121/2 124/6 132/5</p> <p>negative [3] 17/15 17/16 17/17</p> <p>negatively [1] 5/22</p> <p>neglect [12] 7/10 7/23 18/18 34/6 35/5 35/6 40/6 69/20 70/21 82/1 84/18 112/8</p> <p>negotiated [2] 102/16 118/5</p> <p>negotiation [3] 114/16 114/18 126/15</p> <p>negotiations [3] 114/8 128/1 130/3</p> <p>neighborhoods [1] 75/3</p> <p>network [1] 107/20</p> <p>neuroscience [1] 19/5</p> <p>neutral [25] 13/9 13/13 14/23 65/9 67/20 89/22 93/10 93/12 93/16 95/9 97/4 100/11 100/16 101/9 102/18 102/25 103/19 106/13 112/18 113/10 113/21 121/4 121/7 128/25 129/12</p> <p>neutral's [1] 103/13</p> <p>neutrals [3] 89/23 89/23 99/4</p> <p>never [26] 10/12 15/13 16/4 17/25 19/7 25/1 25/6 26/3 30/3 36/14 40/18 42/10 42/11 43/10 45/20 45/21 50/7 50/7 50/8 50/9 55/25 80/6 80/7 81/19 104/15 112/9</p> <p>new [74] 2/15 20/2 36/5 53/10 53/12 69/13 69/17 70/1 70/1 70/4 70/15 70/18 71/19 71/20 72/12 72/19 73/8 73/8 73/15 73/21 74/2 74/7 74/9 74/12 74/13 75/8 75/8 75/8 75/16 76/16 76/16 76/20 78/16 78/17 78/19 79/12 80/1 80/2 80/14 80/25 81/3 84/12 85/6 85/21 86/1 86/6 86/7 86/9 86/25 87/1 87/3 88/3 88/5 88/15 89/1 90/4 90/9 90/16 94/3 94/4 94/6 98/2 98/6 98/7 98/10 98/20 98/21 98/23 98/24 99/9 99/14 109/17 125/23 127/9</p> <p>news [5] 34/21 34/21 110/12 111/2 130/16</p> <p>newsletter [1] 109/16</p> <p>newspapers [1] 70/6</p> <p>next [23] 16/12 21/19 22/20 33/2 37/3 37/4 37/5 42/12 43/5 43/12 43/13 43/16 44/22 44/24 49/11 67/21 79/1 92/19 97/13 99/25 108/8 111/14 132/13</p> <p>nexus [1] 19/8</p> <p>night [4] 25/23 26/12 75/2 86/14</p> <p>nine [1] 99/25</p> <p>nits [1] 130/1</p> <p>no [52] 1/4 3/5 5/15 6/19 8/3 10/2 10/5 10/23 12/24 18/9 21/12 22/23 30/19 31/3 31/18 32/14 37/21 41/2 41/2 42/22 54/23 54/23 54/23 54/24 54/24 57/4 66/14</p>	<p>67/24 70/7 77/6 77/6 77/6 77/22 77/22 77/22 81/19 82/17 83/14 95/17 96/22 99/3 107/4 108/5 108/6 110/17 114/12 114/12 115/6 115/15 129/13 129/15 134/3</p> <p>nobody [5] 43/17 43/18 46/6 60/13 72/19</p> <p>non [1] 87/22</p> <p>non-government [1] 87/22</p> <p>noncompliance [1] 69/24</p> <p>none [7] 42/25 56/16 66/10 80/19 98/11 129/14 132/23</p> <p>nonetheless [1] 85/24</p> <p>nonlawyers [1] 66/24</p> <p>nonprofit [1] 16/5</p> <p>noon [1] 67/8</p> <p>normal [2] 47/18 49/15</p> <p>normalcy [1] 46/16</p> <p>not [157]</p> <p>note [2] 58/8 124/5</p> <p>noted [1] 52/19</p> <p>notes [8] 7/20 10/22 23/4 35/25 71/22 71/25 125/20 125/25</p> <p>nothing [11] 11/24 32/18 40/8 47/3 49/6 78/3 81/14 107/4 111/10 112/1 130/8</p> <p>notice [9] 108/13 108/18 108/25 109/11 109/12 109/23 110/15 110/23 111/3</p> <p>noticed [1] 94/22</p> <p>November [1] 8/25</p> <p>now [44] 3/4 9/16 10/24 12/17 13/15 17/2 17/16 23/1 23/22 24/18 24/19 24/23 24/24 29/17 30/23 30/25 31/9 31/22 32/25 35/10 40/11 42/21 49/16 54/10 55/7 55/7 57/25 65/9 65/13 67/10 74/2 74/4 79/8 81/1 82/8 83/1 88/7 90/6 98/6 99/2 99/4 108/8 117/19 132/8</p> <p>nowhere [3] 57/9 113/24 114/1</p> <p>nuances [1] 129/25</p> <p>number [28] 4/13 9/4 18/16 18/21 19/9 39/21 50/1 50/6 58/16 59/25 60/2 67/22 69/8 73/10 73/22 74/11 76/18 77/23 86/2 86/3 107/21 110/24 110/25 118/9 120/2 123/18 129/25 133/15</p> <p>numbers [2] 56/11 131/9</p> <p>nurse [3] 9/9 49/1 73/18</p> <p>nurtured [1] 60/15</p> <p>NY [1] 2/15</p>
<p>N</p> <p>name [10] 3/11 3/14 7/1 8/20 17/2 22/12 22/13 39/5 58/2 58/3</p> <p>named [7] 58/5 62/21 98/17 111/24 117/1 117/21 122/1</p> <p>narcissistic [1] 39/7</p> <p>narrow [1] 95/18</p> <p>national [2] 119/25 120/11</p> <p>nationally [1] 120/16</p> <p>natural [1] 94/16</p> <p>navigate [1] 99/21</p> <p>near [2] 5/23 57/9</p> <p>nearly [1] 54/14</p> <p>necessarily [4] 65/21 105/1 112/23 128/20</p> <p>necessary [2] 15/4 68/15</p> <p>need [42] 6/4 25/22 26/19 26/23 29/5</p>	<p>news [5] 34/21 34/21 110/12 111/2 130/16</p> <p>newsletter [1] 109/16</p> <p>newspapers [1] 70/6</p> <p>next [23] 16/12 21/19 22/20 33/2 37/3 37/4 37/5 42/12 43/5 43/12 43/13 43/16 44/22 44/24 49/11 67/21 79/1 92/19 97/13 99/25 108/8 111/14 132/13</p> <p>nexus [1] 19/8</p> <p>night [4] 25/23 26/12 75/2 86/14</p> <p>nine [1] 99/25</p> <p>nits [1] 130/1</p> <p>no [52] 1/4 3/5 5/15 6/19 8/3 10/2 10/5 10/23 12/24 18/9 21/12 22/23 30/19 31/3 31/18 32/14 37/21 41/2 41/2 42/22 54/23 54/23 54/23 54/24 54/24 57/4 66/14</p>	<p>O</p> <p>o0o [1] 135/2</p> <p>obfuscating [1] 20/15</p> <p>objection [2] 110/16 114/12</p> <p>objective [1] 118/5</p> <p>objectives [1] 12/10</p> <p>obligation [3] 100/25 101/3 101/21</p> <p>obligations [2] 101/13 101/17</p> <p>obtained [1] 83/18</p> <p>Obviously [1] 110/25</p> <p>odd [1] 27/3</p> <p>odds [1] 54/6</p> <p>ODHS [18] 4/7 4/18 4/19 4/25 5/4 5/10 11/3 13/22 104/18 113/15 117/8 117/21 119/4 119/19 121/22 121/25 122/2 122/11</p> <p>off [11] 22/9 23/1 32/15 33/18 46/8 47/8</p>

<p>O</p> <p>off... [5] 73/14 75/22 87/7 105/18 126/11</p> <p>offensive [1] 106/9</p> <p>offer [2] 11/4 16/20</p> <p>office [17] 22/14 71/21 71/21 72/19 72/20 79/10 79/13 83/19 86/9 87/11 94/7 98/14 113/7 117/3 117/5 117/7 128/4</p> <p>officers [1] 52/10</p> <p>offices [1] 73/17</p> <p>Official [1] 135/11</p> <p>often [8] 36/23 38/9 39/16 40/2 60/19 71/2 75/2 86/14</p> <p>oh [10] 17/1 22/5 40/5 43/3 43/14 43/19 44/7 57/17 57/18 133/13</p> <p>OHSU [1] 52/5</p> <p>okay [32] 7/19 7/21 10/22 22/12 24/2 24/3 24/6 24/14 25/3 25/5 25/19 26/3 26/8 27/18 27/21 27/23 27/24 28/19 28/22 30/3 32/8 38/19 41/20 42/10 42/11 54/19 62/8 65/12 66/21 75/19 77/20 86/9</p> <p>Oklahoma [33] 36/4 74/18 74/18 78/21 79/3 80/12 80/13 80/17 81/1 81/9 81/12 82/8 82/11 82/16 84/13 85/22 85/23 85/24 86/2 89/21 89/25 90/4 90/10 90/16 90/20 94/11 98/2 98/16 98/17 127/11 132/25 133/3 133/15</p> <p>Oklahoma's [2] 81/2 85/6</p> <p>old [14] 7/16 8/7 8/12 26/5 26/8 26/15 27/1 39/6 39/19 40/23 42/20 49/23 50/20 57/24</p> <p>old's [1] 10/10</p> <p>older [2] 42/2 87/4</p> <p>ombudsman [2] 103/12 103/15</p> <p>once [8] 26/22 50/10 56/6 68/10 79/23 94/18 95/22 131/18</p> <p>one [73] 3/9 9/25 10/15 14/1 14/22 18/21 19/4 20/5 21/12 22/22 26/19 29/6 29/24 30/5 31/18 34/3 34/10 39/20 40/19 44/24 52/10 52/17 53/4 53/5 53/6 54/2 54/7 54/8 56/6 57/24 58/16 59/22 59/25 61/10 62/8 67/6 67/10 67/22 68/7 74/19 75/14 75/25 76/5 78/20 80/5 81/3 82/10 86/6 86/24 88/11 89/22 91/6 92/9 96/16 96/18 97/8 99/4 100/11 102/8 105/7 105/14 106/18 106/18 108/13 111/23 112/17 112/17 112/25 117/6 118/14 119/12 124/24 128/13</p> <p>ones [5] 29/5 29/5 44/18 44/24 57/1</p> <p>ongoing [11] 95/20 99/3 100/19 100/24 101/12 101/17 105/13 106/23 122/16 126/23 128/14</p> <p>online [1] 66/8</p> <p>only [26] 9/13 13/8 15/24 17/19 20/18 23/25 29/24 31/3 33/21 45/3 48/17 59/6 61/10 70/15 77/17 83/18 84/3 84/4 89/2 91/10 93/11 94/13 106/21 124/23 130/21 134/8</p> <p>open [3] 66/19 87/6 99/21</p> <p>opened [1] 109/8</p> <p>opinion [1] 13/23</p> <p>opinions [2] 104/5 130/3</p> <p>opportunities [4] 50/14 63/13 92/2 92/14</p> <p>opportunity [16] 5/23 7/2 13/9 14/4 14/5 61/23 64/22 68/4 84/10 102/24</p>	<p>124/17 128/8 128/20 130/20 131/2 131/24</p> <p>opposed [1] 63/18</p> <p>opposite [1] 75/12</p> <p>Oprah [1] 19/11</p> <p>optimistic [4] 14/14 64/8 68/21 122/18</p> <p>option [2] 9/13 74/6</p> <p>optional [1] 100/12</p> <p>options [1] 8/4</p> <p>ord.uscourts [1] 12/25</p> <p>ord.uscourts.gov [1] 2/24</p> <p>order [8] 64/14 78/22 82/4 107/16 108/25 124/1 130/7 133/23</p> <p>orderly [1] 77/20</p> <p>OREGON [79] 1/2 1/7 2/11 3/13 3/21 11/2 11/10 11/22 13/10 16/9 16/14 16/23 18/23 19/3 19/6 20/2 20/6 20/15 27/9 33/14 33/24 34/8 34/15 36/3 52/3 52/6 54/17 64/23 78/20 78/24 84/19 84/21 90/7 90/9 90/15 90/21 90/22 90/22 91/14 91/22 92/1 92/11 92/24 99/19 103/8 104/2 107/3 107/10 109/17 112/14 112/22 113/4 113/7 115/2 116/6 116/16 118/3 118/10 118/13 118/15 119/25 123/6 125/19 125/22 126/6 127/8 127/19 127/25 128/3 128/15 130/14 130/15 131/10 131/16 132/1 132/8 133/17 133/24 134/11</p> <p>Oregon's [5] 81/3 85/6 103/7 120/22 121/8</p> <p>Oregonians [1] 121/13</p> <p>organization [2] 53/15 71/12</p> <p>organizations [2] 14/6 112/4</p> <p>organized [1] 104/4</p> <p>origin [1] 7/9</p> <p>original [1] 135/6</p> <p>other [61] 5/14 6/1 9/13 10/4 21/14 21/20 29/3 29/16 29/19 29/22 36/9 36/15 36/16 43/24 48/18 51/14 51/17 56/24 65/10 66/7 66/19 68/23 76/6 77/8 82/12 82/12 83/2 84/22 91/6 93/9 93/25 95/2 95/6 95/15 95/17 95/21 95/25 96/5 96/7 96/8 96/8 96/10 97/8 97/9 97/19 98/1 101/5 101/6 102/20 102/22 105/17 105/19 106/2 107/19 113/20 118/16 119/7 120/22 121/21 131/6 133/19</p> <p>other's [1] 116/12</p> <p>others [7] 7/10 7/23 20/9 29/25 59/5 64/18 113/8</p> <p>otherwise [2] 15/3 83/6</p> <p>ought [1] 112/15</p> <p>our [51] 4/15 5/20 14/15 14/17 15/18 15/20 15/20 15/20 15/21 15/21 18/1 36/2 44/7 54/12 57/17 58/5 59/7 60/14 65/9 73/7 76/24 76/25 77/18 77/18 79/20 86/17 86/23 87/1 88/14 91/14 99/12 100/25 101/4 101/21 101/22 101/22 106/12 106/14 108/13 109/4 109/12 109/16 110/8 110/12 118/6 119/8 121/20 125/9 126/8 130/15 132/14</p> <p>out [102] 6/5 6/25 7/4 11/17 12/4 14/7 15/6 15/6 16/14 17/3 18/3 18/11 19/15 23/15 24/16 25/24 28/1 28/5 28/15 28/25 29/15 29/18 29/21 30/7 30/8 31/1 31/12 31/15 31/16 32/12 33/20 36/14 38/10</p>	<p>39/18 40/23 40/24 41/15 43/23 47/17 48/21 48/21 49/2 49/9 50/4 51/10 51/11 51/18 51/19 51/23 52/1 52/7 55/13 55/24 56/9 56/10 56/13 56/14 56/14 57/2 57/3 57/6 57/14 57/16 59/8 59/11 61/5 61/20 63/5 63/7 65/20 71/17 72/3 72/16 72/25 75/11 75/23 75/24 77/17 77/17 77/18 78/20 84/10 86/4 86/8 86/14 86/25 87/17 88/1 89/17 97/21 98/21 102/7 104/5 105/7 105/19 107/13 110/12 112/4 112/13 112/22 116/23 129/12</p> <p>outcome [1] 17/25</p> <p>outcomes [5] 18/4 35/16 113/16 115/25 118/21</p> <p>outlets [1] 34/21</p> <p>outline [2] 91/22 104/9</p> <p>outlined [1] 122/10</p> <p>outreach [1] 109/16</p> <p>outside [5] 28/11 40/5 70/16 113/8 117/7</p> <p>outstanding [2] 15/9 30/9</p> <p>outweigh [1] 29/5</p> <p>over [35] 6/24 9/24 10/1 21/8 23/20 30/2 31/1 31/3 46/19 46/19 46/25 49/12 49/13 55/4 65/8 70/25 73/4 76/16 79/5 84/20 86/13 87/9 105/12 105/13 109/5 109/8 109/15 109/21 110/10 114/8 121/5 121/6 123/24 130/17 132/3</p> <p>over-lawyered [1] 123/24</p> <p>overcome [1] 54/6</p> <p>overdue [1] 15/16</p> <p>oversaw [1] 69/18</p> <p>oversight [5] 11/11 34/24 84/14 98/18 99/4</p> <p>overstimulated [1] 48/20</p> <p>overview [1] 10/9</p> <p>overwhelmed [2] 72/11 72/23</p> <p>overwhelming [1] 23/25</p> <p>owe [1] 133/20</p> <p>own [7] 25/24 28/10 32/2 32/17 50/22 92/16 92/17</p> <hr/> <p>P</p> <p>p.m [1] 134/15</p> <p>pace [1] 73/7</p> <p>paddles [1] 17/10</p> <p>page [2] 108/25 110/11</p> <p>pages [3] 108/23 108/24 129/4</p> <p>paid [3] 25/23 40/1 45/4</p> <p>pain [1] 49/18</p> <p>painful [1] 37/18</p> <p>Pakseresht [3] 5/4 5/10 121/12</p> <p>panel [4] 98/19 98/25 99/1 99/2</p> <p>papa [2] 49/21 49/22</p> <p>paper [6] 44/4 47/10 91/8 129/3 130/9 130/12</p> <p>paragraph [1] 113/13</p> <p>parameters [1] 103/13</p> <p>paranormal [1] 47/23</p> <p>paraprofessionals [1] 20/3</p> <p>parent [7] 28/7 31/16 39/25 53/2 58/21 109/6 117/15</p> <p>parents [21] 14/19 28/12 28/22 29/4 41/6 43/3 43/8 43/23 47/7 48/5 52/14 55/19 63/25 72/15 75/22 76/19 76/21</p>
--	--	---

P		
parents... [4] 99/10 100/14 112/9 125/9	period [2] 103/2 112/12	pleasure [1] 66/3
parents' [3] 24/25 26/10 26/17	periodically [1] 130/17	plus [3] 35/8 80/20 82/22
Parrish [2] 37/5 39/5	Perkins [2] 58/19 58/19	pocket [1] 43/21
part [31] 6/10 15/20 16/1 19/3 24/2	permanency [9] 70/22 71/13 73/9 81/7	podium [1] 6/1
35/19 36/11 36/12 51/13 54/15 72/10	82/3 82/25 85/15 89/13 131/5	poetry [1] 38/8
76/24 80/3 85/22 94/25 101/11 102/9	permanent [4] 10/15 61/19 61/19 61/20	point [16] 11/11 15/15 19/3 31/15 43/9
102/16 103/7 103/20 106/3 107/16 108/8	Perry [3] 19/11 39/17 42/1	52/10 56/8 70/19 77/8 92/1 92/14 93/11
112/19 115/8 120/9 122/2 129/8 129/10	person [25] 15/13 19/13 44/15 46/6	104/8 105/17 105/19 119/12
133/10 133/21	49/22 51/2 51/22 52/24 59/5 68/21 86/16	pointing [1] 71/17
participants [1] 96/8	86/16 86/16 89/12 99/1 99/2 103/3	policies [2] 59/18 131/11
participated [4] 116/6 117/16 117/24	103/12 103/15 109/7 124/24 126/13	policy [3] 5/11 116/15 117/25
117/25	127/14 131/17 132/24	political [2] 80/14 83/4
particular [2] 86/1 106/5	personal [1] 7/2	politics [1] 54/5
particularly [5] 11/2 73/21 87/21 104/14	personally [2] 59/12 91/4	pool [1] 27/22
132/25	personnel [1] 11/4	poor [2] 10/18 72/11
parties [36] 80/10 90/18 91/25 92/7	perspective [1] 7/3	poorly [1] 25/8
92/7 93/11 93/14 95/2 95/24 96/3 96/8	perspectives [3] 116/12 116/25 118/9	pop [3] 43/2 43/2 105/8
96/20 97/8 97/14 100/3 100/4 102/12	pet [1] 43/25	pop-pop [1] 43/2
102/16 102/17 103/1 103/4 106/4 107/14	petrified [2] 28/16 29/1	popped [2] 40/17 83/15
114/8 115/24 116/7 116/11 116/15	ph [3] 29/17 29/25 62/22	populated [1] 77/12
117/17 118/2 118/8 118/20 124/2 126/17	phone [4] 12/14 22/2 22/4 127/13	population [1] 110/22
129/2 130/4	phrase [2] 44/13 44/15	portion [1] 117/2
parties' [4] 90/24 96/17 122/22 123/5	physical [4] 7/25 9/22 10/6 45/19	Portland [7] 2/5 2/8 2/12 2/19 2/23
partly [1] 50/2	physically [4] 28/16 29/1 29/15 37/25	58/17 104/2
partner [4] 58/19 78/9 95/4 95/22	pick [2] 105/8 105/10	portrayal [1] 106/21
partnered [1] 83/2	picked [1] 28/1	position [7] 33/22 51/5 54/11 69/18
partners [5] 87/14 101/3 109/22 112/21	picture [1] 40/5	90/13 127/4 127/6
113/19	piece [5] 38/2 44/4 129/3 130/9 130/12	positions [1] 55/13
partnership [4] 60/23 86/22 87/12	pieces [1] 106/18	positive [4] 11/9 17/15 84/11 131/1
88/13	pills [1] 42/21	positively [1] 5/22
partnerships [1] 63/16	pin [1] 56/5	Posner [1] 19/4
parts [2] 51/8 85/14	pinnacle [1] 81/5	possibilities [2] 126/5 127/22
party [4] 13/13 80/14 95/19 113/14	PIP [1] 92/17	possibility [3] 85/3 85/19 125/16
passionate [1] 72/9	pipeline [1] 35/6	possible [15] 34/14 37/25 46/10 55/14
past [5] 8/16 17/13 30/11 49/17 114/8	place [20] 5/25 7/17 8/20 14/2 16/20	61/10 70/15 71/7 75/1 75/1 84/11 100/13
pastor [1] 47/20	21/2 46/14 52/21 52/23 54/17 71/1 76/15	110/23 111/20 126/18 126/19
patchwork [1] 89/21	87/19 92/19 107/11 107/12 107/18	Post [4] 71/22 71/25 125/20 125/25
path [2] 89/25 124/2	124/10 124/10 129/18	Post-it [4] 71/22 71/25 125/20 125/25
patient [1] 78/4	placed [6] 12/6 40/4 41/17 42/5 42/22	posted [1] 110/1
Paul [4] 29/20 29/20 30/7 30/9	45/14	posttraumatic [1] 45/18
pay [12] 41/13 48/5 48/7 48/8 48/16	placement [8] 8/4 9/11 9/12 76/25 81/7	potty [1] 44/17
48/18 63/21 63/22 63/23 63/24 63/25	85/18 86/18 88/22	power [4] 20/22 63/9 125/6 127/17
123/14	placements [7] 7/6 11/4 15/25 39/14	powerful [9] 18/25 19/9 19/18 27/10
paycheck [3] 40/8 43/19 64/5	39/16 70/20 71/23	27/17 51/6 53/7 59/24 92/14
paying [3] 60/13 67/23 111/1	places [3] 39/20 56/3 103/18	practice [4] 28/2 74/23 82/18 120/11
PBS [1] 75/20	plaintiff [2] 102/1 107/2	practices [1] 34/14
PC [2] 2/7 2/18	plaintiffs [1] 98/21	practicing [1] 130/22
peers [5] 9/24 10/5 17/19 18/12 112/1	plaintiffs [17] 1/4 2/4 3/8 3/15 3/17 3/19	practitioners [1] 73/18
Pellegrini [5] 116/13 116/15 124/11	69/21 69/24 95/15 99/6 99/7 100/2 106/5	pragmatist [1] 124/15
126/10 126/19	108/11 108/14 111/15 114/19	pre [2] 31/12 50/19
Pellegrini's [1] 116/14	plaintiffs' [5] 6/11 78/23 101/13 106/9	pre-diabetic [1] 50/19
pending [1] 70/4	109/13	pre-reqs [1] 31/12
pentagram [2] 49/5 49/6	plan [7] 41/20 81/5 86/21 86/21 92/17	preceded [1] 82/9
people [147]	119/22 122/13	precious [4] 15/18 43/1 43/6 132/14
people have [1] 110/10	planning [1] 87/16	prediction [1] 127/5
people's [1] 126/20	plans [2] 87/19 92/16	prejudices [1] 125/5
per [3] 64/22 72/22 114/21	plant [1] 53/9	preliminary [5] 100/10 110/9 122/23
percentage [1] 90/3	platform [1] 91/2	126/13 130/7
perfect [10] 12/21 40/5 40/5 42/9 47/8	play [5] 31/13 36/4 36/22 68/19 122/4	premier [1] 34/10
47/10 47/24 55/22 80/19 125/6	played [2] 11/2 16/16	prepared [1] 16/12
perfectly [1] 29/14	player [1] 59/9	presence [2] 12/2 18/11
perform [1] 120/6	players [3] 54/4 63/18 127/1	present [2] 6/16 66/23
performance [2] 74/12 79/22	please [6] 3/7 4/15 12/19 16/11 28/21	presentation [1] 97/1
perhaps [2] 97/16 102/2	67/17	presented [1] 34/20
	pleased [1] 114/24	presenting [2] 54/21 54/22

<p>P</p> <p>president [2] 16/24 117/23</p> <p>pretend [4] 42/8 42/9 42/9 42/10</p> <p>pretty [7] 10/14 40/16 65/19 75/2 86/7 124/19 127/24</p> <p>prevention [6] 12/4 74/7 88/14 119/24 120/1 121/23</p> <p>previously [1] 74/11</p> <p>pride [1] 51/3</p> <p>primarily [3] 75/5 94/2 125/16</p> <p>primary [2] 95/23 104/8</p> <p>principals [2] 95/19 95/24</p> <p>prior [1] 122/23</p> <p>priority [4] 51/11 117/4 130/24 132/11</p> <p>prison [2] 35/6 35/11</p> <p>prisons [2] 63/22 131/9</p> <p>private [5] 63/16 87/12 87/12 96/8 99/15</p> <p>privilege [3] 35/7 132/23 133/10</p> <p>probably [7] 22/22 75/20 78/11 88/2 93/14 93/23 132/23</p> <p>probation [1] 52/10</p> <p>problem [5] 23/9 76/11 82/13 97/17 105/13</p> <p>problems [7] 35/25 69/4 71/17 71/18 105/11 127/15 127/18</p> <p>Procedure [1] 114/21</p> <p>proceed [5] 6/7 22/19 67/14 67/16 73/12</p> <p>proceedings [4] 1/15 23/24 134/15 135/5</p> <p>proceeds [1] 93/18</p> <p>process [29] 51/13 59/6 76/2 83/17 87/17 90/24 91/21 111/7 115/22 115/24 116/4 116/6 116/17 116/20 116/23 116/24 117/16 117/25 118/9 119/6 119/10 124/3 124/19 127/12 129/8 129/22 131/21 133/11 133/21</p> <p>processes [1] 127/22</p> <p>product [2] 114/7 114/18</p> <p>professional [7] 14/10 19/13 19/19 58/17 105/20 125/17 127/6</p> <p>professionals [2] 12/2 20/5</p> <p>program [22] 7/16 20/2 34/3 34/4 59/13 71/9 74/7 77/25 83/1 83/1 85/17 85/17 88/8 88/12 88/17 89/18 120/16 120/17 120/23 121/9 121/19 122/6</p> <p>programming [1] 88/14</p> <p>programs [6] 34/10 50/15 75/21 88/13 90/2 112/7</p> <p>progress [9] 11/15 79/20 104/6 115/2 116/11 116/18 120/18 122/10 122/18</p> <p>prohibited [1] 114/5</p> <p>project [3] 39/4 103/10 124/23</p> <p>promise [1] 78/4</p> <p>promises [2] 72/25 74/3</p> <p>promptly [1] 40/16</p> <p>proof [1] 10/5</p> <p>proper [3] 41/8 41/10 42/14</p> <p>properly [3] 42/18 42/22 50/10</p> <p>propose [1] 6/13</p> <p>proposed [1] 123/5</p> <p>prosecutor [1] 124/12</p> <p>protect [2] 7/25 46/14</p> <p>protecting [2] 29/11 40/20</p> <p>proud [1] 132/2</p>	<p>provide [4] 6/4 109/7 113/15 131/1</p> <p>provided [12] 5/17 9/16 10/4 10/24 60/3 60/22 75/11 89/15 97/23 97/24 107/2 110/15</p> <p>providers [16] 7/11 7/24 11/1 73/18 82/21 87/12 89/15 92/12 95/21 96/12 99/13 99/13 99/16 100/14 109/22 117/14</p> <p>provides [1] 114/16</p> <p>providing [2] 51/14 82/22</p> <p>provision [5] 102/16 103/6 104/17 113/12 115/11</p> <p>provisions [2] 68/7 107/22</p> <p>proxy [1] 77/24</p> <p>psych [1] 8/19</p> <p>psychiatric [8] 8/2 9/4 9/5 9/9 9/12 39/16 42/21 63/22</p> <p>Psychologists [1] 45/20</p> <p>psychology [2] 33/14 34/1</p> <p>psychopath [1] 39/7</p> <p>psychotherapists [1] 10/20</p> <p>psychotropic [1] 10/11</p> <p>PTSD [2] 45/15 46/4</p> <p>PTSI [3] 45/15 45/18 45/18</p> <p>public [26] 47/11 63/16 69/17 69/23 70/7 74/24 77/21 81/17 81/25 82/13 87/10 87/12 94/11 96/8 98/22 99/15 112/20 115/8 116/6 118/10 118/10 120/19 120/20 121/12 128/5 132/12</p> <p>public-facing [1] 120/19</p> <p>public-private [3] 63/16 87/12 96/8</p> <p>published [1] 81/4</p> <p>publishes [1] 120/20</p> <p>pudgy [1] 58/5</p> <p>pull [2] 38/23 83/4</p> <p>pulsates [1] 55/1</p> <p>purportedly [1] 98/2</p> <p>purpose [1] 54/7</p> <p>purposes [2] 5/19 17/6</p> <p>pursue [2] 33/12 38/3</p> <p>pursuit [1] 114/19</p> <p>push [5] 60/20 61/1 61/9 84/5 113/8</p> <p>pushed [1] 121/23</p> <p>pushes [1] 121/14</p> <p>put [24] 9/5 13/7 27/6 27/20 29/9 31/14 34/6 36/5 42/18 46/14 49/4 51/5 56/5 59/18 62/22 64/4 65/10 76/13 103/13 124/2 125/4 129/17 132/9 134/6</p> <p>putting [4] 44/16 47/11 71/1 131/11</p> <p>Q</p> <p>QR [3] 109/6 109/8 109/9</p> <p>qualify [1] 45/24</p> <p>qualitative [1] 79/21</p> <p>qualities [1] 99/5</p> <p>quality [8] 12/4 75/14 90/19 93/15 97/6 98/5 120/16 120/23</p> <p>quarterback [2] 94/21 106/9</p> <p>question [7] 7/13 8/5 12/7 51/11 66/9 66/25 116/1</p> <p>questions [6] 30/6 30/16 57/22 107/24 108/5 109/25</p> <p>quick [1] 75/16</p> <p>quickly [2] 72/23 74/14</p> <p>quit [1] 50/16</p> <p>quite [2] 40/9 56/4</p>	<p>quo [1] 84/7</p> <p>R</p> <p>Rachel [3] 5/5 5/11 83/11</p> <p>radiator [2] 76/8 76/12</p> <p>Rain [4] 22/20 37/5 39/5 115/7</p> <p>Rainier [1] 28/8</p> <p>raise [3] 94/22 101/24 113/4</p> <p>raised [1] 112/17</p> <p>ran [1] 63/6</p> <p>range [1] 7/6</p> <p>raped [1] 42/2</p> <p>rapidly [1] 23/20</p> <p>rarely [1] 65/15</p> <p>rate [2] 12/4 117/13</p> <p>rates [1] 117/15</p> <p>rather [2] 76/14 114/18</p> <p>re [1] 17/13</p> <p>reach [7] 30/7 51/7 65/20 107/13 110/21 110/22 123/19</p> <p>reached [7] 15/5 15/6 31/16 32/12 98/21 112/22 130/6</p> <p>reaching [1] 57/6</p> <p>read [17] 5/16 14/3 23/4 23/11 34/19 37/19 37/19 38/1 41/8 47/24 48/2 61/23 74/9 90/7 92/4 92/5 108/24</p> <p>readily [1] 12/11</p> <p>reading [14] 19/14 38/5 38/8 38/10 47/25 47/25 48/1 48/12 48/12 48/14 54/3 91/1 92/3 129/6</p> <p>reads [1] 90/19</p> <p>ready [4] 68/16 87/14 93/23 123/6</p> <p>real [11] 16/6 35/15 61/2 80/4 82/17 85/9 89/2 92/3 103/25 111/18 128/2</p> <p>real-life [1] 16/6</p> <p>realistic [1] 103/13</p> <p>reality [3] 44/15 44/23 85/3</p> <p>realize [1] 125/8</p> <p>really [69] 11/23 17/13 17/14 17/15 17/21 19/7 19/9 20/14 27/10 35/25 36/5 36/24 38/2 38/11 38/11 42/23 42/23 45/3 48/17 50/14 50/18 51/6 55/7 56/7 56/16 60/3 62/23 62/23 64/2 65/25 69/1 70/5 71/13 72/5 72/24 75/4 77/10 77/15 77/25 78/1 78/13 78/15 79/18 82/15 84/9 84/17 87/9 90/8 91/24 92/7 94/20 95/3 97/24 98/7 101/19 103/22 111/21 111/25 113/23 119/1 123/17 125/7 127/20 130/8 130/15 131/25 132/9 132/13 134/8</p> <p>reason [2] 27/16 90/25</p> <p>reasonable [10] 13/17 13/18 71/8 80/21 80/23 81/8 108/15 110/15 111/16 129/5</p> <p>reasons [2] 34/3 115/21</p> <p>Rebecca [4] 29/25 32/12 32/15 117/22</p> <p>receded [1] 94/7</p> <p>received [7] 10/19 10/19 15/13 109/9 109/10 110/23 119/25</p> <p>receiving [2] 10/18 106/20</p> <p>recent [1] 30/1</p> <p>recently [1] 84/13</p> <p>recess [6] 67/4 67/5 123/10 123/11 123/12 134/14</p> <p>recognition [1] 119/25</p> <p>recognized [2] 58/9 120/16</p> <p>recollection [1] 52/18</p>
--	--	--

<p>R</p> <p>recommendation [1] 20/10</p> <p>recommendations [4] 9/8 11/20 12/11 102/8</p> <p>record [8] 3/8 17/7 24/2 58/2 58/8 122/21 134/6 135/5</p> <p>records [1] 73/9</p> <p>recreating [2] 17/14 59/6</p> <p>recruited [2] 76/23 98/14</p> <p>red [1] 52/25</p> <p>reduced [3] 82/14 86/2 86/3</p> <p>reduction [1] 74/10</p> <p>reentry [2] 35/8 74/12</p> <p>referral [1] 89/12</p> <p>referrals [1] 89/10</p> <p>referring [1] 89/12</p> <p>reflect [1] 82/17</p> <p>reflected [1] 110/24</p> <p>reflects [4] 95/1 95/1 96/17 111/1</p> <p>reform [27] 71/2 73/5 74/15 74/17 74/23 75/7 75/7 77/16 78/3 78/7 78/7 78/11 78/14 78/19 79/14 79/16 80/7 80/15 80/17 81/2 85/19 89/5 94/20 94/20 96/5 105/6 113/19</p> <p>reforms [1] 70/15</p> <p>refused [5] 45/6 45/6 49/13 49/14 49/14</p> <p>regard [1] 6/7</p> <p>regular [2] 13/14 35/12</p> <p>rehab [1] 74/5</p> <p>rehabilitation [1] 117/14</p> <p>reimbursement [2] 117/13 117/15</p> <p>relationships [3] 17/24 41/11 53/3</p> <p>relatively [2] 74/12 98/7</p> <p>release [1] 115/15</p> <p>reliable [2] 71/14 77/12</p> <p>religious [4] 40/4 41/18 47/7 47/15</p> <p>relocated [1] 8/1</p> <p>rely [1] 13/15</p> <p>remain [1] 64/8</p> <p>remaining [1] 6/10</p> <p>remarkable [2] 82/7 132/1</p> <p>remember [11] 8/12 8/20 40/13 50/21 72/18 79/4 79/6 79/8 79/9 81/21 110/6</p> <p>remotely [2] 5/4 5/10</p> <p>renowned [1] 19/6</p> <p>reorganized [1] 76/10</p> <p>repeat [3] 12/22 28/21 105/13</p> <p>repeated [2] 43/8 127/25</p> <p>repeatedly [1] 42/1</p> <p>repeating [1] 37/23</p> <p>replaced [1] 117/10</p> <p>replicate [1] 19/4</p> <p>reply [1] 14/9</p> <p>report [9] 7/25 75/8 91/5 97/24 99/24 105/25 126/3 130/12 130/13</p> <p>reported [1] 75/24</p> <p>reporter [5] 2/22 4/12 23/19 27/10 135/11</p> <p>reporters [1] 70/6</p> <p>reporting [1] 81/25</p> <p>reports [7] 75/10 77/11 77/12 77/15 101/21 113/22 130/16</p> <p>representations [1] 91/13</p> <p>representative [2] 83/9 98/16</p> <p>represented [3] 90/18 94/7 111/4</p>	<p>represents [2] 115/1 118/19</p> <p>repurposed [1] 86/12</p> <p>reqs [1] 31/12</p> <p>request [2] 6/18 108/16</p> <p>require [4] 78/21 95/3 96/1 96/1</p> <p>required [4] 71/11 72/13 78/1 92/4</p> <p>requirement [1] 81/20</p> <p>requirements [2] 11/14 132/17</p> <p>requires [4] 75/5 92/17 92/17 95/11</p> <p>resettled [2] 73/12 73/13</p> <p>residential [4] 8/2 9/4 9/10 86/15</p> <p>resilience [4] 15/24 54/3 54/10 54/13</p> <p>resolution [2] 99/8 116/23</p> <p>resolve [3] 46/10 124/9 131/19</p> <p>resource [10] 15/18 73/10 91/11 100/14 109/6 109/18 109/23 110/1 117/15 132/15</p> <p>resourced [2] 70/21 85/8</p> <p>resources [21] 15/21 34/5 34/13 35/1 35/22 36/3 57/7 59/18 63/17 71/4 72/11 78/22 79/24 80/4 80/24 85/10 91/6 104/4 118/6 124/21 128/5</p> <p>respect [2] 58/23 130/2</p> <p>respectfully [2] 108/16 114/20</p> <p>respective [4] 11/7 69/3 69/5 127/13</p> <p>respects [3] 80/17 82/10 87/14</p> <p>response [2] 48/22 66/14</p> <p>responses [1] 100/23</p> <p>responsibility [5] 13/13 55/5 125/18 126/23 128/19</p> <p>responsible [2] 65/7 69/19</p> <p>rest [2] 43/21 81/11</p> <p>restraints [1] 9/22</p> <p>result [2] 114/17 119/5</p> <p>resulted [1] 45/13</p> <p>results [2] 84/5 121/11</p> <p>retaliation [2] 18/3 18/13</p> <p>retribution [1] 53/19</p> <p>return [2] 131/3 131/4</p> <p>returned [1] 26/23</p> <p>reunite [1] 55/13</p> <p>review [3] 103/2 109/18 123/21</p> <p>reviews [2] 106/20 106/24</p> <p>reward [1] 63/4</p> <p>rewarded [2] 63/12 132/12</p> <p>rewrapping [1] 49/11</p> <p>richest [1] 51/22</p> <p>ridiculous [1] 29/9</p> <p>right [41] 5/13 6/14 6/17 10/10 12/17 13/15 17/2 17/12 23/7 23/21 24/12 24/20 25/17 27/17 29/24 31/4 31/5 31/9 32/10 32/20 38/18 49/16 50/15 54/23 65/13 67/10 74/21 90/6 97/11 98/6 105/16 107/15 108/2 113/6 123/9 125/5 128/7 130/23 131/7 131/15 132/8</p> <p>right-left [1] 17/12</p> <p>rights [9] 2/11 3/12 3/20 14/5 27/9 100/13 113/7 114/4 118/3</p> <p>rigid [1] 63/14</p> <p>risk [3] 34/6 35/5 69/19</p> <p>River [1] 72/19</p> <p>Rizzo [4] 2/7 2/7 3/18 3/18</p> <p>RMR [2] 2/22 135/10</p> <p>Robinson [1] 2/14</p> <p>robust [1] 74/7</p>	<p>rod [1] 53/13</p> <p>Rogers [2] 6/14 6/21</p> <p>role [12] 11/2 19/12 20/8 21/13 34/18 65/12 68/19 102/18 113/10 113/13 117/23 122/4</p> <p>roles [1] 36/22</p> <p>roll [1] 129/24</p> <p>Ron [1] 17/1</p> <p>room [9] 2/23 23/24 25/21 25/24 26/12 32/2 39/8 44/17 126/16</p> <p>root [1] 82/24</p> <p>rough [1] 89/10</p> <p>roughly [1] 91/19</p> <p>route [1] 118/20</p> <p>routinely [2] 96/11 99/12</p> <p>row [1] 39/17</p> <p>Rule [1] 114/21</p> <p>rules [3] 46/14 46/15 105/20</p> <p>ruling [1] 122/23</p> <p>run [2] 10/5 124/7</p> <p>running [3] 52/5 63/5 94/1</p> <p>runs [1] 41/15</p> <p>runway [1] 88/3</p> <p>rural [1] 104/3</p> <p>rush [1] 27/11</p> <p>Russian [1] 109/1</p> <p>Ryan [39] 59/21 59/21 66/24 67/20 68/1 68/13 68/18 69/1 83/20 84/25 101/5 101/7 101/20 101/25 102/21 103/3 103/20 104/25 105/25 106/19 107/1 108/3 108/5 108/7 115/11 118/22 119/4 119/12 120/21 120/24 121/7 125/16 126/3 127/4 127/5 127/21 132/20 133/7 133/23</p> <p>Ryan's [5] 104/18 106/8 113/21 120/7 120/21</p> <p>S</p> <p>S.W [5] 2/5 2/8 2/11 2/19 2/23</p> <p>safe [9] 23/25 30/14 56/13 62/1 70/20 73/10 74/12 76/25 131/1</p> <p>safely [4] 76/15 119/25 131/4 131/4</p> <p>safer [4] 44/11 64/25 64/25 130/16</p> <p>safety [3] 85/25 117/9 119/24</p> <p>said [27] 28/3 28/4 31/22 32/14 49/4 49/8 53/7 56/3 61/18 62/8 70/13 71/24 72/1 72/3 73/6 75/22 77/6 77/22 79/5 81/21 81/23 82/20 86/9 102/15 113/3 132/16 133/10</p> <p>saints [1] 47/8</p> <p>same [20] 10/10 12/2 29/13 41/20 43/14 44/18 49/12 49/12 55/2 70/17 78/10 80/12 82/21 89/23 105/14 110/7 115/25 126/23 127/18 133/14</p> <p>Sammy [1] 58/5</p> <p>Sarah [1] 58/3</p> <p>sat [1] 42/15</p> <p>Saturday [1] 18/9</p> <p>saved [2] 36/24 36/25</p> <p>saw [10] 40/22 49/1 58/25 59/1 60/6 60/20 76/5 76/6 110/8 111/2</p> <p>say [49] 5/7 7/15 20/14 21/5 21/6 21/6 24/19 24/24 27/3 27/6 30/15 35/4 35/16 39/23 43/14 44/4 45/3 45/16 45/18 47/9 50/12 54/1 55/5 56/13 57/10 61/2 61/8</p>
--	---	---

<p>S</p> <p>say... [22] 61/9 63/11 68/21 70/8 74/24 77/20 78/4 85/20 87/18 90/14 91/4 92/24 95/7 105/23 111/6 111/17 114/11 123/23 125/14 130/2 130/14 133/7</p> <p>saying [10] 4/15 14/7 27/17 37/20 53/6 56/10 75/17 77/4 87/8 106/6</p> <p>says [4] 45/20 61/20 95/9 104/20</p> <p>scar [2] 47/14 48/24</p> <p>scared [3] 18/6 44/18 50/24</p> <p>Scarlet [1] 48/3</p> <p>scary [1] 44/23</p> <p>scheduled [1] 42/7</p> <p>scheduling [3] 64/14 124/1 129/15</p> <p>scholar [1] 19/6</p> <p>scholar's [2] 88/8 89/18</p> <p>scholarship [1] 90/2</p> <p>school [26] 31/8 31/9 31/11 31/16 31/23 31/25 32/3 32/19 32/24 32/25 32/25 33/5 33/6 33/7 33/12 36/21 45/1 46/20 60/8 60/11 88/9 90/1 90/2 112/10 112/12 118/13</p> <p>schooling [2] 38/8 41/8</p> <p>schools [2] 56/5 64/24</p> <p>scope [5] 11/13 102/19 103/13 105/21 105/24</p> <p>Score [3] 18/22 19/1 51/17</p> <p>scratch [1] 56/20</p> <p>scream [2] 28/9 44/19</p> <p>screen [2] 6/24 6/25</p> <p>se [1] 64/22</p> <p>seamless [1] 89/8</p> <p>season [1] 92/3</p> <p>seat [1] 94/19</p> <p>seated [3] 4/10 4/14 58/9</p> <p>second [9] 28/7 74/19 75/15 76/2 78/12 105/1 108/8 108/13 124/11</p> <p>secondhand [1] 74/8</p> <p>Section [3] 100/11 101/6 103/1</p> <p>secure [1] 117/12</p> <p>secured [1] 120/13</p> <p>see [30] 6/24 11/16 13/10 13/12 14/12 16/8 17/19 19/16 21/11 21/24 22/7 55/7 58/14 59/16 63/17 65/3 65/15 79/15 97/17 97/24 100/21 102/1 105/14 106/9 106/24 110/6 113/19 124/9 124/20 133/11</p> <p>seeded [1] 88/13</p> <p>seeds [1] 53/9</p> <p>seeing [4] 19/14 106/2 106/2 133/24</p> <p>seek [3] 99/7 115/17 115/18</p> <p>seem [1] 41/18</p> <p>seemed [2] 29/14 73/13</p> <p>seems [4] 11/14 96/14 96/22 100/7</p> <p>seen [8] 29/7 35/24 77/23 83/10 91/18 95/2 109/5 110/2</p> <p>self [6] 10/12 10/13 10/16 17/22 114/19 131/13</p> <p>self-examined [1] 131/13</p> <p>self-harm [1] 10/13</p> <p>self-harmer [1] 10/12</p> <p>self-harming [1] 17/22</p> <p>self-inflicted [1] 10/16</p> <p>self-interest [1] 114/19</p> <p>Senator [1] 34/9</p>	<p>send [1] 14/7</p> <p>sending [1] 86/25</p> <p>sends [1] 75/12</p> <p>senior [6] 1/17 5/5 5/11 31/10 83/12 116/9</p> <p>sense [4] 15/23 60/10 93/23 111/18</p> <p>sensitive [1] 26/9</p> <p>sent [8] 26/21 40/7 47/15 72/15 109/8 109/11 109/15 109/20</p> <p>sentences [1] 28/20</p> <p>separate [2] 109/20 113/12</p> <p>separated [1] 64/1</p> <p>September [4] 1/6 3/2 8/25 135/9</p> <p>serious [4] 35/20 114/7 131/18 131/20</p> <p>seriously [4] 20/16 57/15 101/17 105/20</p> <p>serve [9] 35/8 70/2 71/5 83/12 85/11 116/22 117/23 121/7 131/14</p> <p>served [7] 70/18 85/5 98/18 116/9 116/13 117/5 124/13</p> <p>serves [2] 5/5 5/11</p> <p>service [6] 11/1 15/14 115/8 116/6 118/11 121/12</p> <p>services [16] 5/5 8/21 11/6 12/4 39/18 42/1 80/22 82/4 82/21 83/12 85/9 98/17 98/24 103/9 117/14 127/9</p> <p>serving [6] 53/14 53/16 69/16 69/19 71/16 103/8</p> <p>Sesame [1] 75/20</p> <p>session [4] 13/22 13/23 117/11 120/14</p> <p>sessions [3] 109/24 110/1 110/4</p> <p>set [18] 3/4 73/8 73/8 78/2 79/21 81/6 85/16 89/6 89/10 89/15 97/7 103/22 107/14 116/23 118/24 128/24 128/25 131/21</p> <p>sets [2] 113/4 128/21</p> <p>setting [2] 72/17 91/20</p> <p>settings [7] 81/8 82/19 82/20 82/23 86/5 86/8 112/10</p> <p>settle [6] 94/18 116/11 116/18 124/7 126/24 128/14</p> <p>settled [5] 64/15 69/14 69/21 69/23 128/14</p> <p>settlement [103] 5/23 6/8 6/9 7/3 11/8 11/14 13/16 14/3 14/3 14/8 14/12 35/15 56/17 56/18 57/8 64/15 66/13 68/10 68/16 81/2 84/14 85/4 85/5 85/20 89/22 90/13 91/18 93/2 93/12 93/12 94/23 94/24 94/25 94/25 95/9 97/7 98/7 98/8 98/25 100/10 100/16 101/7 101/11 102/10 102/17 102/24 104/17 106/3 106/11 106/22 107/6 107/23 108/9 108/14 108/22 110/9 110/11 111/15 113/12 113/14 113/25 114/1 114/14 114/17 114/20 114/25 115/1 115/10 115/16 115/21 117/18 118/5 118/12 118/18 118/22 119/1 119/2 119/6 119/11 119/15 119/18 122/4 122/5 122/7 122/9 122/14 122/15 122/22 123/5 123/19 124/1 126/15 128/11 129/5 129/9 129/11 130/1 130/10 131/24 131/25 132/17 133/3 133/21</p> <p>settlements [1] 96/7</p> <p>seven [7] 49/25 70/5 70/8 70/9 70/12 75/10 133/16</p>	<p>Seventeen [1] 8/9</p> <p>several [5] 9/23 10/12 11/9 69/22 114/7</p> <p>severe [1] 10/14</p> <p>severely [1] 40/15</p> <p>sexual [1] 18/18</p> <p>sexually [2] 25/9 46/24</p> <p>shake [1] 7/12</p> <p>shall [1] 113/14</p> <p>shallow [1] 73/7</p> <p>shamed [1] 40/10</p> <p>shaming [1] 47/20</p> <p>shape [2] 47/14 93/19</p> <p>share [9] 7/2 13/6 18/15 25/21 29/2 38/13 51/13 118/4 119/8</p> <p>shared [4] 13/14 34/25 36/15 51/13</p> <p>sharing [3] 27/9 38/12 93/5</p> <p>shave [1] 41/9</p> <p>she [92] 9/11 9/11 12/20 22/20 25/22 25/22 25/23 25/24 25/25 26/2 26/4 26/5 26/6 26/7 26/8 26/10 26/13 26/14 26/14 26/19 26/21 26/22 27/3 27/16 27/19 28/1 29/18 29/19 31/14 31/14 31/20 32/4 32/5 32/5 32/11 33/9 33/10 36/24 36/24 37/13 37/23 39/7 49/1 49/2 50/24 50/25 50/25 51/1 51/3 51/6 52/5 57/4 57/23 57/24 57/25 58/3 58/9 58/13 58/18 58/19 58/25 59/1 59/6 59/7 61/11 61/24 62/22 62/23 63/1 94/6 117/4 117/7 117/7 117/10 117/24 117/24 121/17 121/17 121/21 121/23 124/11 124/13 124/20 126/11 126/14 126/14 126/18 126/20 126/20 126/21 133/6 133/7</p> <p>she'd [3] 26/11 37/5 37/9</p> <p>she's [19] 27/15 54/10 57/5 58/1 58/18 59/1 59/4 59/10 59/11 59/11 61/10 61/11 65/21 121/22 122/1 122/2 124/15 124/15 126/22</p> <p>shedding [1] 51/14</p> <p>shelter [1] 89/13</p> <p>shelters [2] 81/17 87/1</p> <p>shift [1] 66/24</p> <p>shit [1] 56/14</p> <p>shocking [1] 19/16</p> <p>shortage [2] 70/7 75/16</p> <p>shortly [3] 50/4 59/21 74/14</p> <p>shot [1] 131/15</p> <p>should [32] 4/21 21/12 28/3 34/15 41/15 53/13 54/15 54/22 59/5 59/5 59/9 63/12 63/12 64/10 64/15 65/2 75/19 93/23 95/13 108/15 108/19 114/4 115/6 115/21 115/22 119/15 123/2 128/14 128/14 129/1 130/1 132/17</p> <p>shoulder [3] 56/6 65/10 132/10</p> <p>shouldn't [4] 29/10 32/10 41/21 130/25</p> <p>show [7] 44/4 44/7 66/20 72/24 94/1 113/18 123/18</p> <p>showed [3] 13/24 26/14 110/14</p> <p>shown [1] 46/12</p> <p>shumway [4] 2/22 2/24 135/9 135/10</p> <p>shut [1] 48/22</p> <p>shutting [1] 80/2</p> <p>shy [1] 8/22</p> <p>sibling [1] 40/17</p> <p>siblings [9] 39/8 40/16 41/3 43/24 49/20 50/8 55/14 55/23 72/15</p>
---	---	---

<p>S</p> <p>sic [1] 45/2</p> <p>side [3] 60/6 108/4 125/3</p> <p>sides [1] 130/5</p> <p>sign [2] 132/20 133/22</p> <p>signature [2] 135/7 135/7</p> <p>signed [3] 67/25 68/6 68/13</p> <p>significant [3] 12/1 82/15 117/12</p> <p>significantly [2] 59/2 120/3</p> <p>signing [1] 135/4</p> <p>signs [1] 52/23</p> <p>similar [4] 33/15 50/23 89/6 121/3</p> <p>since [7] 6/25 31/13 39/6 57/23 70/13 110/9 124/11</p> <p>single [6] 18/20 27/17 50/6 75/21 79/22 86/24</p> <p>sister [2] 32/15 41/1</p> <p>sit [13] 5/23 5/24 36/13 37/5 37/8 37/9 37/11 37/13 43/21 53/23 53/24 53/24 59/23</p> <p>sitting [6] 4/8 4/19 60/7 65/7 107/16 127/1</p> <p>situation [3] 5/21 15/7 128/17</p> <p>situations [2] 15/19 35/9</p> <p>six [11] 42/20 70/6 75/10 87/2 88/10 89/1 108/25 118/24 118/24 119/3 133/16</p> <p>six-page [1] 108/25</p> <p>Sixth [1] 2/8</p> <p>skill [1] 118/6</p> <p>skilled [1] 12/2</p> <p>skills [6] 34/2 41/6 47/16 50/10 60/15 88/15</p> <p>sleep [2] 26/25 48/17</p> <p>sleeping [1] 32/2</p> <p>sleepovers [1] 46/18</p> <p>sleeves [1] 129/24</p> <p>slow [2] 27/16 27/23</p> <p>slowly [2] 23/11 62/3</p> <p>small [1] 86/7</p> <p>smaller [1] 93/10</p> <p>smart [4] 60/7 60/8 60/17 61/7</p> <p>smartphone [1] 109/7</p> <p>smoke [1] 76/7</p> <p>smoother [1] 88/3</p> <p>so [231]</p> <p>So if [1] 67/13</p> <p>sobered [1] 72/23</p> <p>social [4] 20/4 88/20 88/21 110/12</p> <p>socially [2] 9/25 10/1</p> <p>sociology [1] 61/24</p> <p>sociopath [1] 39/7</p> <p>soft [1] 4/13</p> <p>solution [4] 16/1 64/23 72/10 76/25</p> <p>solutions [4] 59/9 69/6 83/18 130/18</p> <p>solve [2] 76/11 124/17</p> <p>solved [1] 82/13</p> <p>solving [1] 105/11</p> <p>some [48] 9/16 10/19 10/24 11/5 11/19 13/13 15/4 19/3 21/14 22/14 25/2 25/7 29/3 30/16 51/12 51/24 52/7 52/8 52/24 53/9 54/3 58/1 63/9 64/21 68/25 69/6 74/22 75/2 79/20 85/25 88/14 88/15 90/9 91/22 92/21 95/6 95/15 99/17 101/23 102/21 111/25 112/22 125/22 126/7 129/18 131/6 134/5 134/6</p>	<p>somebody [7] 22/17 42/15 42/16 42/17 48/15 51/22 132/13</p> <p>somebody's [1] 15/14</p> <p>someone [9] 22/2 22/10 46/5 47/12 60/4 61/6 102/25 111/10 112/2</p> <p>something [20] 17/9 18/20 29/4 30/7 43/10 55/24 63/20 83/15 84/7 89/1 99/10 99/11 101/9 101/12 112/15 125/25 126/24 132/1 132/7 133/18</p> <p>sometimes [6] 10/18 17/11 36/22 75/6 79/23 86/13</p> <p>somewhat [1] 43/9</p> <p>somewhere [1] 79/11</p> <p>soon [5] 68/16 107/9 107/9 107/13 111/19</p> <p>sooner [2] 125/13 128/8</p> <p>sophisticated [2] 20/7 71/11</p> <p>sophomore [1] 31/11</p> <p>sorry [6] 7/12 9/1 23/22 38/6 65/12 84/25</p> <p>sort [6] 68/1 69/4 69/9 93/2 96/23 103/19</p> <p>sounds [2] 100/19 102/4</p> <p>source [2] 45/17 46/16</p> <p>sources [2] 104/13 106/18</p> <p>south [2] 71/20 77/24</p> <p>Southern [1] 104/2</p> <p>space [5] 22/10 83/10 96/2 96/3 118/7</p> <p>spaces [1] 14/2</p> <p>Spanish [1] 109/1</p> <p>speak [25] 4/14 5/24 6/15 20/22 21/21 21/23 22/14 22/20 23/10 23/10 23/11 27/15 33/17 35/21 57/13 63/8 66/8 66/18 66/20 66/24 68/12 103/3 123/15 126/13 126/16</p> <p>speaker [1] 54/12</p> <p>speakers [1] 88/23</p> <p>speaking [4] 22/23 23/20 52/25 115/8</p> <p>speaks [4] 58/24 60/1 130/6 134/7</p> <p>special [2] 3/24 4/1</p> <p>specific [3] 104/19 105/3 115/4</p> <p>specifically [1] 115/10</p> <p>specificity [1] 101/25</p> <p>specifics [1] 106/24</p> <p>speed [1] 28/17</p> <p>spend [6] 4/14 58/22 75/17 75/18 75/18 120/24</p> <p>spending [2] 12/2 121/13</p> <p>spent [19] 8/15 35/2 35/4 35/22 39/15 39/15 39/17 39/20 40/19 45/21 49/11 54/2 64/16 87/23 99/14 102/17 102/20 121/12 127/13</p> <p>spin [1] 84/11</p> <p>spirit [2] 134/6 134/9</p> <p>spitfire [1] 40/15</p> <p>spoke [10] 15/12 32/13 103/20 104/15 105/22 115/6 124/18 132/24 133/5 133/9</p> <p>spoken [3] 59/24 69/9 123/3</p> <p>spokesperson [1] 132/4</p> <p>spreadsheet [1] 75/8</p> <p>square [2] 83/14 83/15</p> <p>St [1] 25/21</p> <p>stability [3] 81/7 85/18 89/13</p> <p>stabilize [1] 72/6</p> <p>stabilized [2] 71/6 77/18</p>	<p>stable [7] 41/6 46/20 60/9 71/12 78/14 78/15 78/22</p> <p>staff [5] 9/23 9/23 120/5 121/10 132/9</p> <p>stage [1] 47/20</p> <p>stakeholders [7] 92/11 95/21 96/9 98/5 99/15 102/6 103/7</p> <p>stance [2] 106/6 106/7</p> <p>stand [5] 4/21 5/23 20/18 58/21 100/21</p> <p>standard [8] 34/15 54/18 54/19 69/9 74/12 85/16 97/7 120/6</p> <p>standards [3] 73/8 120/10 120/12</p> <p>Standing [1] 4/11</p> <p>stands [2] 13/10 13/15</p> <p>star [5] 47/14 49/6 49/7 49/8 49/8</p> <p>start [40] 3/10 6/11 15/15 19/14 19/16 21/3 23/10 23/20 24/21 25/4 26/7 28/13 28/17 28/23 35/9 38/10 51/14 52/7 56/19 56/22 56/22 56/23 62/16 62/22 64/17 68/1 75/20 84/10 94/21 105/11 107/7 108/11 111/19 112/5 112/7 122/8 124/1 124/6 125/4 125/22</p> <p>started [11] 21/4 23/20 28/14 28/24 45/20 62/23 69/5 82/17 89/9 90/16 133/13</p> <p>starters [1] 68/19</p> <p>starting [10] 6/14 7/12 11/11 15/17 24/6 32/25 69/2 104/8 107/17 125/23</p> <p>starts [1] 78/14</p> <p>state [77] 3/25 11/24 14/1 15/1 15/1 15/11 15/13 16/13 20/15 40/24 40/24 48/5 48/7 48/8 48/16 48/18 68/8 68/9 68/12 68/14 69/13 69/16 69/21 72/13 73/9 75/25 79/1 80/6 81/4 82/12 83/3 86/4 86/7 86/8 86/14 86/25 87/14 88/13 93/5 93/5 93/6 93/15 93/16 93/20 94/5 95/4 95/10 96/4 98/6 99/7 99/20 99/22 100/14 101/16 102/12 104/1 106/13 107/3 107/10 110/21 115/18 116/8 120/22 121/20 124/13 126/2 126/2 127/2 127/8 128/18 130/14 130/15 130/18 130/25 132/15 132/22 133/12</p> <p>State's [6] 21/12 93/14 93/16 97/6 99/5 111/21</p> <p>statement [1] 83/24</p> <p>states [15] 1/1 1/17 2/22 36/5 65/10 69/1 69/5 87/15 87/25 88/7 93/25 113/13 120/22 133/19 133/20</p> <p>status [2] 67/23 84/7</p> <p>stay [11] 16/9 26/11 29/8 36/8 93/8 115/9 119/24 121/24 129/24 131/21 131/22</p> <p>stayed [4] 61/6 61/10 61/11 94/8</p> <p>staying [1] 82/23</p> <p>steady [1] 11/15</p> <p>stems [1] 19/17</p> <p>Stenson [2] 2/10 3/20</p> <p>step [12] 16/12 34/7 57/9 57/10 64/8 64/10 64/11 100/20 103/21 122/7 131/1 132/19</p> <p>stepped [1] 132/14</p> <p>stepping [2] 5/21 59/25</p> <p>steps [1] 68/15</p> <p>Steve [1] 3/18</p> <p>Steven [3] 2/7 30/1 98/17</p> <p>stick [1] 44/25</p>
---	---	--

S	55/3 125/4 130/14 sued [2] 69/14 69/21 suffer [2] 13/20 29/10 suffered [1] 10/6 suggest [5] 20/7 23/19 54/7 59/22 83/19 suicide [3] 10/12 17/22 59/1 suicides [1] 45/14 Suite [4] 2/5 2/8 2/11 2/19 summarize [2] 108/17 108/20 summarizing [1] 108/13 summer [1] 14/1 summertime [1] 48/17 super [2] 27/23 27/23 supervising [1] 15/12 supervision [5] 16/13 71/8 71/13 72/11 75/12 support [6] 38/18 59/17 60/4 113/15 116/8 119/13 supported [3] 6/1 88/4 122/25 supporters [1] 112/8 supporting [4] 74/17 76/1 123/1 131/12 supportive [1] 79/14 supports [2] 11/10 82/21 supposed [2] 39/13 42/7 Supreme [2] 113/3 113/4 sure [28] 9/2 9/21 20/8 20/9 24/1 26/3 27/10 37/23 37/24 39/1 58/10 62/10 65/15 69/12 71/3 73/2 73/19 87/4 87/5 91/11 96/10 97/21 101/4 104/11 106/4 106/14 123/21 131/23 surface [1] 56/20 Surprisingly [1] 110/5 survival [1] 54/9 survive [4] 41/11 54/3 60/16 60/18 survived [2] 20/24 55/11 suspect [4] 32/25 37/19 61/7 130/1 suspected [1] 12/15 sustainable [2] 11/16 121/11 swim [1] 48/25 sycophants [1] 20/25 system [114] 4/10 7/5 11/16 11/25 13/19 13/20 20/12 20/20 23/15 25/7 29/3 30/8 31/1 34/15 34/23 35/2 35/13 35/16 35/20 39/6 39/12 41/12 41/17 43/1 44/14 45/4 46/8 49/21 49/22 50/5 53/13 54/15 55/22 56/12 57/5 59/6 59/8 60/2 60/12 60/22 61/23 62/2 62/16 65/6 70/4 70/5 70/7 70/17 70/20 71/2 71/3 71/14 73/25 74/5 74/6 75/9 76/16 77/9 77/10 78/14 80/5 81/6 81/13 82/6 83/22 85/3 85/7 85/7 85/12 85/13 85/24 86/17 89/5 89/11 89/24 90/7 90/10 91/2 91/9 99/17 99/22 103/8 103/10 104/21 105/3 105/8 105/10 106/10 111/9 112/2 112/15 112/20 113/19 114/13 115/2 116/17 117/3 119/14 119/17 120/8 121/18 122/18 124/13 124/13 125/2 125/8 125/20 126/1 126/4 126/8 127/7 129/19 129/21 131/13 system's [1] 128/24 system-wide [2] 104/21 105/3 systems [27] 15/1 24/16 35/22 35/23 36/21 63/2 63/3 63/4 63/10 63/14 69/7 69/18 73/16 80/19 80/20 80/21 82/12 82/13 86/1 90/15 90/19 98/3 105/6	121/14 125/20 125/21 128/24 systemwide [1] 89/25 T tackle [1] 104/7 tackled [1] 87/20 tailor [1] 86/21 take [46] 10/25 13/4 13/4 15/1 20/16 23/23 24/2 24/12 24/13 25/25 26/22 27/13 30/18 32/13 41/7 41/10 43/8 44/3 46/16 47/17 49/13 51/4 51/10 52/23 54/16 54/20 58/22 59/14 62/5 64/23 67/1 67/1 67/14 93/8 93/19 94/5 94/18 103/16 105/20 123/9 124/10 124/10 129/19 131/5 132/19 134/1 taken [12] 26/20 39/11 39/12 40/17 55/16 64/11 67/5 84/16 101/17 123/12 128/16 134/11 takes [4] 35/14 35/14 35/15 82/24 taking [10] 31/10 35/11 39/25 40/20 57/7 57/15 71/21 79/5 124/16 134/5 talent [2] 38/3 38/14 talented [5] 55/2 59/7 60/4 60/10 87/10 talk [40] 7/20 9/19 14/25 18/12 20/12 27/22 27/22 30/2 31/19 32/4 47/1 53/19 54/9 59/21 63/2 63/3 66/13 68/5 79/1 81/15 89/3 90/12 91/17 91/18 96/11 96/11 96/12 96/20 97/12 99/12 99/13 102/25 103/17 108/12 111/14 111/16 113/1 113/10 115/11 132/6 talked [9] 18/7 28/5 87/15 99/14 100/3 101/5 113/21 124/18 127/15 talking [12] 7/14 18/10 46/6 48/2 54/13 78/12 82/12 91/24 102/7 102/18 108/14 132/23 talks [3] 51/17 61/24 104/18 targeted [1] 109/16 targets [9] 92/16 92/20 92/21 93/3 93/23 95/10 95/13 95/22 100/22 tasks [2] 133/14 133/15 taught [6] 42/3 42/6 42/17 45/24 46/2 49/17 taxpayers [2] 121/5 130/14 teach [9] 41/7 41/12 41/13 41/13 41/14 41/15 41/16 43/23 52/21 teachers [2] 36/21 82/11 teaches [1] 33/8 teaching [2] 43/18 85/25 teachings [1] 62/2 team [8] 54/16 74/4 74/14 75/22 76/16 77/6 77/14 122/2 teams [1] 73/15 tear [1] 28/10 tears [1] 48/20 teased [1] 43/24 technical [1] 68/25 technological [1] 22/23 technology [2] 36/1 90/15 teenager [1] 9/17 tell [52] 5/19 6/3 14/21 16/2 16/11 16/14 18/19 18/19 18/20 19/14 19/20 20/13 21/1 21/9 23/6 23/12 23/25 24/1 24/1 30/23 31/4 31/7 31/8 32/22 33/5 33/23 34/23 38/1 39/23 41/21 42/3 44/8 44/10 44/11 44/12 44/20 50/16 52/20 54/2
----------	---	--

T	115/8 116/8 120/6 122/20 123/20 125/5 127/15 128/18 129/7 131/3 131/3 131/4 131/14 132/10 133/11	53/2 53/2 53/11 56/6 60/7 72/23 78/5 80/19 83/17 84/22 86/1 86/10 91/10 93/23 98/11 103/22 106/21 106/23 121/5 133/16 133/19
tell... [13] 55/12 57/12 57/14 58/2 61/18 62/25 64/14 97/12 97/15 108/23 112/2 130/21 132/21	them [70] 4/21 5/7 12/12 12/16 12/17 12/19 14/17 15/4 18/8 18/20 27/2 28/10 28/21 29/8 29/21 29/24 34/6 38/14 39/11 40/18 40/18 40/19 40/20 40/22 40/23 40/23 40/25 40/25 41/2 41/4 42/8 42/8 44/10 47/12 51/7 52/25 52/25 53/4 53/25 55/25 57/6 57/7 57/7 60/11 60/16 63/5 64/3 64/4 71/7 73/3 75/11 76/1 76/18 78/2 81/21 82/9 83/25 86/24 88/21 92/18 99/10 102/22 111/10 112/10 112/12 114/5 127/19 130/5 131/5 133/20	they [210] They'd [1] 82/16 they're [32] 17/22 17/23 19/16 20/2 32/14 36/22 41/3 46/5 47/2 47/8 47/10 47/12 47/19 50/11 50/11 55/25 56/23 60/15 61/15 61/15 62/7 63/15 65/8 71/24 72/9 103/14 105/14 127/11 128/6 129/11 131/4 133/20 they've [5] 34/4 57/1 74/4 84/20 112/11 thing [25] 17/15 17/17 19/20 23/25 24/25 25/6 26/13 27/18 28/2 29/12 29/13 29/22 43/8 43/14 43/16 45/3 60/5 62/9 77/8 80/12 97/23 101/5 105/19 111/23 113/20 things [52] 14/21 18/5 18/16 20/24 22/15 31/8 39/12 41/15 42/6 42/25 42/25 43/1 43/1 43/2 43/18 44/20 45/12 47/18 51/3 52/17 52/22 53/1 53/1 53/2 53/9 53/12 54/2 56/3 62/3 63/11 67/24 68/2 69/3 71/10 74/15 77/10 77/11 78/5 78/6 82/10 86/6 88/5 89/1 100/21 102/23 103/16 103/21 103/21 117/6 118/14 118/15 134/6 think [73] 9/25 14/20 19/9 21/1 22/16 24/25 25/5 30/12 32/10 34/17 36/21 40/23 52/1 52/14 53/12 55/8 57/17 62/11 62/14 65/15 70/23 71/15 74/8 74/9 77/15 78/10 78/11 81/10 84/10 87/6 91/20 92/13 92/15 93/7 93/21 94/16 95/2 95/3 96/15 96/17 97/3 97/12 97/15 98/23 100/2 100/15 101/15 101/18 102/5 102/7 102/11 102/14 103/20 104/16 105/16 107/10 107/13 107/17 107/19 108/19 110/6 110/13 110/22 111/3 113/20 113/23 113/23 123/18 126/20 132/8 132/21 132/25 134/5 thinker [1] 121/14 thinking [2] 99/19 102/18 thinks [1] 101/10 third [4] 2/23 19/20 40/17 77/8 this [233] Thomas [1] 2/10 thorough [1] 123/22 thoroughly [1] 29/6 those [78] 12/11 13/23 14/2 15/18 16/3 16/4 19/14 19/15 19/18 21/8 34/23 36/3 36/6 38/12 39/14 46/7 50/10 51/3 51/7 57/2 57/2 59/23 60/15 63/9 67/6 67/10 68/4 69/3 69/5 73/13 74/15 77/12 78/6 80/9 81/20 82/8 82/8 82/20 82/23 83/22 83/23 86/12 86/19 86/23 87/15 87/20 88/1 88/13 88/24 91/13 91/20 91/22 92/21 94/15 99/6 102/6 105/10 105/11 110/1 112/9 114/5 115/15 117/25 119/10 119/17 120/12 121/8 121/11 122/19 122/19 123/3 127/14 127/18 127/22 127/23 129/20 133/19 133/20 though [4] 8/3 22/1 39/12 122/24 thought [10] 11/20 13/7 58/10 58/14 64/19 75/19 88/25 95/4 100/5 110/19 thoughtful [2] 37/18 121/11
ten [8] 11/14 13/19 40/24 67/2 78/5 78/6 130/22 133/17 ten-year [1] 11/14 tenacity [1] 21/6 Tenth [2] 2/5 2/11 term [1] 97/22 terms [13] 12/9 15/10 15/22 18/25 60/1 65/3 89/5 91/14 97/12 122/14 128/5 128/10 132/12 terrible [1] 27/12 terrifying [2] 28/12 28/23 testament [1] 121/8 testified [1] 106/25 testify [3] 5/18 18/6 64/19 testimony [1] 111/24 Texas [4] 99/12 99/12 133/5 133/8 than [50] 6/23 16/7 23/11 30/11 34/15 35/11 35/14 38/8 40/2 40/8 44/13 44/22 54/18 55/21 56/3 56/10 59/2 60/19 68/20 71/12 72/20 76/14 78/3 78/19 78/21 79/23 80/13 80/14 81/3 82/4 85/6 85/13 85/22 90/4 90/10 90/16 92/2 95/2 95/5 95/5 95/15 95/25 98/8 114/18 120/22 125/13 125/25 128/17 128/17 130/17 thank [51] 3/22 4/17 5/13 6/12 10/23 13/2 21/17 22/24 30/15 36/18 36/19 36/20 37/1 37/2 37/2 37/17 38/4 38/15 57/11 57/13 57/15 57/20 57/21 59/25 64/9 65/14 65/24 65/25 66/4 66/5 67/3 68/3 69/12 84/2 84/9 84/23 84/24 107/15 107/15 108/2 108/7 111/5 114/22 114/23 123/8 126/22 133/25 134/3 134/4 134/12 134/13 thankful [1] 126/25 thanks [1] 68/3 that [708] that's [77] 4/7 8/24 10/18 10/23 14/20 15/6 15/21 17/18 18/23 21/1 21/15 23/9 24/7 26/19 28/11 28/22 30/15 33/16 34/20 35/3 38/11 38/14 39/1 39/3 44/5 44/14 44/15 44/22 53/21 53/22 54/10 55/14 55/17 56/12 56/22 57/10 57/18 58/22 60/16 60/22 61/5 61/10 63/6 64/2 66/25 74/5 74/6 78/16 78/18 85/23 87/25 89/21 93/21 94/11 94/23 95/19 95/25 97/7 97/21 98/10 99/18 100/5 100/15 100/18 101/19 102/7 105/5 105/16 108/9 113/6 113/17 113/19 118/15 118/16 126/1 130/11 133/5 that's really [1] 38/11 theater [1] 54/4 their [67] 11/4 11/4 18/4 18/4 18/5 18/7 20/2 29/11 29/24 34/7 39/21 41/1 41/16 47/1 48/22 51/8 51/18 52/10 55/20 61/18 61/19 64/1 64/4 65/10 65/12 68/5 69/7 71/23 72/14 73/24 80/15 80/16 80/23 82/13 83/3 88/21 88/21 90/4 91/25 92/8 92/13 92/16 92/17 92/17 92/18 94/9 102/19 103/14 109/7 112/9 113/1 114/4	theoretically [2] 99/24 107/6 therapeutic [4] 39/14 81/8 82/15 82/22 therapies [1] 50/15 therapist [2] 33/16 47/16 therapy [9] 17/4 17/5 17/20 18/24 40/12 40/12 42/14 44/2 44/7 there [131] 5/18 6/5 8/22 9/23 10/18 13/25 16/23 18/2 18/10 18/21 21/20 22/7 24/21 25/4 25/7 26/7 26/12 27/14 28/5 28/14 28/24 29/2 29/4 29/18 31/18 32/2 36/10 38/25 49/1 49/10 52/7 54/1 54/5 54/20 56/9 56/9 56/10 56/10 57/1 57/2 57/16 57/16 59/11 63/19 65/8 66/6 66/10 66/12 68/6 68/6 70/5 70/6 70/9 70/11 70/12 70/19 70/21 70/22 70/24 70/24 72/19 72/25 73/5 73/22 76/4 76/15 77/20 79/7 81/4 81/11 81/16 81/17 81/19 81/20 81/25 82/2 82/3 82/8 82/23 82/25 83/14 83/14 85/5 86/7 89/17 89/21 89/23 89/24 90/1 90/1 90/2 90/24 90/25 91/8 91/9 92/22 94/22 95/20 98/4 98/24 100/12 100/23 101/21 102/23 103/6 103/11 103/21 104/4 104/5 109/22 111/18 111/23 112/5 112/18 113/25 114/12 114/13 115/15 115/16 123/6 124/5 126/6 127/9 127/10 128/12 129/13 129/15 129/18 130/4 130/16 134/1 there's [31] 19/7 22/10 35/23 44/13 52/7 56/2 66/8 67/13 67/24 78/17 79/16 82/18 82/24 84/10 85/18 92/5 94/13 95/13 99/3 102/25 103/2 103/9 103/17 107/11 110/21 112/1 112/4 113/12 126/25 130/8 130/10 thereafter [1] 74/14 therefore [1] 41/20 these [40] 13/24 14/8 14/11 23/24 29/13 35/10 42/5 42/6 43/18 47/6 47/7 47/7 47/8 50/23 52/18 52/22 52/25 53/1 53/1	

<p>T</p> <p>thoughts [1] 56/18</p> <p>thousand [1] 86/13</p> <p>thousands [3] 13/20 25/7 70/15</p> <p>thread [1] 87/3</p> <p>three [26] 10/13 13/25 18/2 28/9 28/13 28/24 39/17 41/4 45/13 47/25 54/21 54/25 56/16 59/24 64/18 73/4 87/15 87/18 87/20 87/23 99/1 104/14 105/21 106/25 109/2 109/20</p> <p>three-minute [1] 109/2</p> <p>three-person [1] 99/1</p> <p>thrive [1] 73/24</p> <p>thrived [1] 17/2</p> <p>throat [1] 10/14</p> <p>through [51] 10/7 14/13 15/25 20/1 21/12 21/13 22/6 22/15 24/19 24/24 27/11 29/12 31/17 31/23 33/15 34/2 36/1 36/10 36/14 36/17 45/11 47/25 48/23 48/25 49/21 50/2 52/5 57/19 58/25 59/1 67/12 69/1 76/1 79/23 83/16 88/15 89/19 91/22 100/1 106/4 112/2 112/3 112/12 115/7 116/17 120/1 121/11 127/10 127/11 128/1 129/21</p> <p>throughout [6] 41/5 45/12 46/9 46/21 88/13 124/19</p> <p>throughs [1] 29/7</p> <p>throw [2] 14/15 44/19</p> <p>thyroid [1] 42/21</p> <p>tied [1] 126/12</p> <p>time [69] 3/4 3/9 6/6 6/10 7/5 10/10 14/12 15/12 15/15 16/17 16/23 16/25 18/17 39/8 40/22 41/20 42/3 42/3 42/23 44/18 44/23 45/5 45/9 45/10 45/10 46/10 50/7 51/11 52/4 52/8 55/2 57/19 58/22 62/5 65/16 66/22 69/14 69/16 69/23 70/23 72/12 72/16 73/4 73/11 73/22 74/8 74/9 77/20 87/3 88/25 92/20 93/3 94/4 95/23 100/6 102/17 102/20 105/7 105/15 115/23 118/7 120/5 120/24 121/22 125/2 126/23 132/5 134/4 134/5</p> <p>timely [2] 73/19 82/2</p> <p>times [10] 16/19 37/24 42/19 46/12 47/25 55/23 70/13 109/5 109/8 128/1</p> <p>TINA [5] 1/6 5/6 5/12 83/13 117/10</p> <p>tip [2] 21/9 52/3</p> <p>tired [2] 47/5 47/6</p> <p>today [46] 4/8 4/18 5/1 5/3 18/2 21/13 21/15 34/18 36/2 36/9 52/17 56/8 57/22 58/7 58/24 59/2 59/24 64/20 82/7 92/14 97/18 101/1 101/24 104/14 105/22 106/25 110/14 111/17 114/24 115/6 115/9 117/17 118/2 118/6 122/1 123/3 123/17 124/3 124/6 125/4 127/21 128/22 132/18 133/6 134/2 134/6</p> <p>today's [1] 5/9</p> <p>toddlers [1] 81/16</p> <p>together [11] 62/24 76/5 83/7 92/16 95/9 95/11 119/25 121/24 127/16 127/17 131/3</p> <p>told [13] 18/4 26/10 26/15 27/1 29/17 32/8 32/11 33/24 37/13 42/16 47/6 71/15 133/2</p> <p>toll [1] 10/11</p> <p>Tom [1] 3/20</p>	<p>Toms [1] 72/18</p> <p>too [13] 9/24 21/2 37/23 52/15 57/6 73/7 73/7 76/25 85/12 103/5 111/25 124/3 124/20</p> <p>took [19] 7/17 10/11 21/2 25/22 26/7 40/22 45/10 49/4 50/4 82/14 84/13 107/18 115/23 117/3 123/25 124/7 133/14 133/15 134/6</p> <p>tool [1] 120/17</p> <p>tools [5] 19/18 76/11 78/22 85/10 120/5</p> <p>top [3] 58/17 126/7 133/18</p> <p>topic [1] 111/14</p> <p>topics [1] 108/13</p> <p>totally [3] 47/13 50/13 103/24</p> <p>touch [4] 27/2 29/3 94/9 119/20</p> <p>touched [2] 17/3 56/16</p> <p>touches [1] 129/9</p> <p>tough [2] 75/3 85/20</p> <p>tour [4] 35/20 59/23 71/21 99/20</p> <p>toward [1] 115/4</p> <p>towards [5] 11/15 32/20 34/2 113/15 115/1</p> <p>track [5] 26/15 50/6 79/19 103/19 125/21</p> <p>tracking [7] 71/22 71/25 75/9 77/23 81/23 125/20 126/8</p> <p>trade [2] 88/9 88/12</p> <p>train [1] 20/3</p> <p>trained [4] 20/3 52/10 52/12 62/20</p> <p>trainers [1] 73/2</p> <p>training [4] 71/4 71/9 75/12 85/17</p> <p>transaction [2] 129/14 129/23</p> <p>transcript [3] 1/15 135/5 135/6</p> <p>Transformation [5] 119/23 119/23 120/2 120/4 122/13</p> <p>transforming [1] 127/7</p> <p>transition [4] 87/16 87/19 112/1 112/12</p> <p>translated [1] 108/25</p> <p>transparency [3] 11/13 20/16 34/24</p> <p>trash [1] 44/21</p> <p>trauma [12] 18/22 45/16 45/17 45/17 45/20 46/9 51/15 51/18 51/19 52/9 52/11 52/13</p> <p>trauma-informed [3] 52/9 52/11 52/13</p> <p>traumatic [1] 17/12</p> <p>traumatized [1] 40/16</p> <p>traveled [1] 16/18</p> <p>treadmill [1] 51/2</p> <p>treat [1] 44/21</p> <p>treated [3] 25/8 40/2 40/7</p> <p>treatment [2] 9/9 63/25</p> <p>treatments [3] 45/4 50/2 59/1</p> <p>tree [1] 16/18</p> <p>Tremaine [1] 2/4</p> <p>tremendous [10] 21/7 52/7 55/3 55/8 96/14 100/7 112/19 112/19 112/19 115/8</p> <p>tremendously [1] 116/7</p> <p>trial [2] 124/23 131/20</p> <p>tribal [1] 84/17</p> <p>tribes [1] 84/18</p> <p>tribute [1] 123/14</p> <p>tried [4] 51/23 61/9 74/14 124/7</p> <p>triggered [1] 51/25</p> <p>Trillium [3] 8/21 39/18 42/1</p> <p>trouble [4] 5/8 23/7 48/1 48/2</p>	<p>true [9] 57/18 68/12 80/12 80/25 81/1 94/11 96/13 97/9 97/10</p> <p>truly [4] 20/16 64/2 65/25 121/7</p> <p>trust [8] 6/23 6/23 60/23 60/24 95/1 96/2 96/3 96/18</p> <p>trustworthy [2] 90/20 91/2</p> <p>truth [4] 20/13 20/22 63/9 77/10</p> <p>try [7] 7/13 14/18 39/3 44/4 61/1 111/7 124/17</p> <p>trying [15] 14/7 33/20 33/20 33/22 35/14 47/16 50/18 53/8 53/23 56/11 57/6 103/12 103/18 124/19 128/10</p> <p>tugging [1] 70/17</p> <p>tuition [1] 35/12</p> <p>turf [1] 127/17</p> <p>turn [5] 22/18 34/10 34/14 60/17 62/22</p> <p>turned [5] 8/13 8/14 8/25 23/1 89/20</p> <p>turnout [1] 110/3</p> <p>turnover [1] 72/7</p> <p>TV [1] 43/22</p> <p>twice [2] 40/7 44/24</p> <p>twist [1] 60/17</p> <p>twisted [1] 53/6</p> <p>two [33] 8/9 8/11 8/22 10/20 19/9 22/7 25/11 25/14 29/6 29/13 29/19 32/6 39/8 40/16 45/14 49/11 51/3 60/2 75/25 83/4 83/6 86/11 99/2 99/4 100/23 101/7 102/23 108/12 109/24 115/3 116/25 119/5 124/24</p> <p>two-person [1] 99/2</p> <p>type [2] 27/17 50/19</p> <p>typewriter [1] 27/15</p> <p>typing [1] 27/15</p> <hr/> <p>U</p> <p>U.S [1] 109/18</p> <p>ulcers [1] 10/8</p> <p>ultimate [1] 113/15</p> <p>ultimately [2] 82/5 86/11</p> <p>unable [2] 41/5 46/7</p> <p>unaccompanied [1] 75/3</p> <p>unannounced [1] 42/7</p> <p>unbelievable [1] 54/6</p> <p>uncomfortable [2] 38/20 38/22</p> <p>unconstitutional [1] 69/15</p> <p>under [19] 18/3 21/12 30/19 60/11 68/15 70/21 74/9 85/8 87/2 87/2 100/11 101/6 105/2 105/20 116/22 118/22 119/1 119/18 122/4</p> <p>under-challenged [1] 60/11</p> <p>under-resourced [2] 70/21 85/8</p> <p>undercuts [1] 78/3</p> <p>underfunded [1] 62/17</p> <p>undergraduate [1] 19/23</p> <p>underscore [4] 12/18 12/24 102/23 106/18</p> <p>underscores [1] 111/19</p> <p>understaffed [1] 20/6</p> <p>understand [27] 9/2 10/17 14/5 14/6 18/23 18/24 21/10 23/5 32/20 38/11 43/17 51/16 52/9 53/25 60/2 61/13 61/24 62/6 63/20 64/5 64/7 64/21 67/24 68/2 95/20 100/16 134/9</p> <p>understanding [14] 5/18 11/8 13/16 38/13 57/16 68/9 90/14 92/8 92/10 92/13</p>
--	---	--

<p>U</p> <p>understanding... [4] 107/5 109/3 109/13 128/12</p> <p>understands [3] 59/8 97/4 112/18</p> <p>understood [3] 76/10 124/13 134/7</p> <p>underway [2] 33/25 93/9</p> <p>unfiltered [2] 97/22 97/22</p> <p>unfit [1] 28/7</p> <p>uniform [1] 81/25</p> <p>uniformly [1] 62/2</p> <p>unimproved [1] 13/20</p> <p>unions [1] 88/16</p> <p>unique [6] 94/24 115/22 115/24 116/4 117/18 119/10</p> <p>unit [3] 8/19 42/2 76/10</p> <p>UNITED [4] 1/1 1/17 2/22 87/25</p> <p>units [2] 63/22 71/8</p> <p>university [6] 19/6 20/2 33/14 33/24 34/8 126/6</p> <p>unlearn [1] 49/19</p> <p>unless [5] 20/15 56/12 67/14 90/24 129/4</p> <p>unlike [2] 36/12 94/25</p> <p>unnecessary [1] 9/21</p> <p>unneeded [1] 9/6</p> <p>unprofessional [1] 30/1</p> <p>unremarkable [1] 71/3</p> <p>unsafe [1] 76/9</p> <p>unsexy [1] 71/2</p> <p>until [12] 8/1 8/22 9/6 28/13 28/24 41/8 49/18 49/24 62/22 68/8 87/22 88/6</p> <p>up [51] 5/24 6/1 9/11 17/21 20/11 20/18 22/11 25/1 25/6 27/5 28/2 28/18 29/20 32/13 35/21 36/4 40/17 49/24 50/8 51/9 56/12 57/17 60/1 65/18 66/20 72/17 72/23 73/21 80/1 80/6 82/25 83/15 87/22 105/8 105/9 105/10 107/14 110/14 115/6 115/8 117/17 118/6 123/3 123/18 126/16 128/24 128/25 129/24 132/14 133/17 134/1</p> <p>upbeat [1] 127/21</p> <p>update [2] 67/23 68/2</p> <p>upset [3] 9/22 26/24 47/19</p> <p>upsetting [1] 74/22</p> <p>urgency [1] 111/18</p> <p>us [39] 7/9 7/16 14/24 20/13 27/9 41/16 44/6 44/7 44/8 46/8 46/9 47/9 56/5 56/5 57/2 57/3 57/15 57/15 57/20 60/15 60/16 65/19 66/23 68/1 72/8 74/16 75/23 86/11 86/13 86/16 86/17 86/21 88/22 93/8 93/20 93/21 107/11 114/16 132/1</p> <p>use [12] 6/2 7/19 17/10 20/25 36/1 36/3 37/5 47/16 67/2 97/22 106/8 121/15</p> <p>used [8] 39/7 53/6 56/5 88/23 95/15 120/11 120/12 127/8</p> <p>useful [2] 89/4 95/3</p> <p>user [2] 26/5 26/9</p> <p>uses [1] 120/17</p> <p>using [5] 6/25 26/15 34/13 109/7 111/25</p> <p>usually [2] 43/25 75/3</p> <p>Utah [1] 73/17</p> <p>utero [1] 45/20</p> <p>utilized [1] 6/10</p>	<p>V</p> <p>vacations [1] 16/18</p> <p>validate [1] 91/5</p> <p>validation [3] 90/24 96/23 120/25</p> <p>valuable [2] 97/15 118/1</p> <p>values [2] 74/16 76/4</p> <p>variety [2] 12/10 15/25</p> <p>various [3] 51/17 61/1 118/11</p> <p>varsity [1] 31/13</p> <p>varying [1] 42/19</p> <p>vast [1] 81/9</p> <p>vehicles [2] 72/13 73/2</p> <p>verge [1] 48/20</p> <p>version [1] 19/4</p> <p>versus [1] 3/5</p> <p>very [78] 5/21 10/18 10/19 10/20 10/23 14/10 14/14 15/7 15/20 17/24 19/18 26/9 28/8 29/25 34/8 34/21 36/13 37/18 37/18 37/18 39/10 40/14 41/23 41/24 41/24 52/3 58/15 59/24 65/14 65/14 65/24 66/25 71/2 71/11 72/5 72/5 73/14 73/25 75/16 77/9 78/19 78/20 80/1 80/21 82/5 83/17 84/12 85/8 85/24 85/24 89/10 90/6 91/2 92/13 92/23 94/24 96/2 96/15 98/11 99/3 105/20 107/15 115/12 123/13 124/8 124/14 124/14 124/15 125/2 125/2 128/2 130/2 131/15 131/20 132/20 133/12 133/12 133/12</p> <p>vet [1] 14/23</p> <p>via [1] 109/12</p> <p>viable [1] 8/3</p> <p>vibrant [1] 87/12</p> <p>vibrate [1] 17/12</p> <p>vice [1] 16/24</p> <p>victim [1] 128/21</p> <p>victims [1] 18/18</p> <p>victory [2] 76/5 76/6</p> <p>video [5] 21/25 22/9 23/1 109/3 109/11</p> <p>Vietnamese [1] 109/2</p> <p>view [1] 95/1</p> <p>views [1] 110/11</p> <p>Viola [1] 54/9</p> <p>violations [1] 123/1</p> <p>virginity [1] 41/25</p> <p>virtue [1] 93/11</p> <p>visibility [1] 89/24</p> <p>Vision [3] 119/23 120/2 120/3</p> <p>visit [3] 50/3 72/13 72/18</p> <p>visits [3] 30/4 72/14 73/19</p> <p>Vison [1] 119/23</p> <p>vocal [1] 132/4</p> <p>voice [2] 4/13 14/8</p> <p>voices [1] 13/25</p> <p>volleyball [2] 28/2 31/13</p> <p>volumes [3] 58/24 60/1 130/6</p> <p>vulnerable [1] 20/20</p> <p>W</p> <p>wait [8] 3/9 23/18 23/18 23/18 23/18 27/7 27/7 27/7</p> <p>waiver [2] 113/25 114/3</p> <p>walk [1] 29/7</p> <p>walk-throughs [1] 29/7</p> <p>walked [1] 79/23</p> <p>walking [2] 27/4 49/16</p>	<p>wall [2] 71/22 98/1</p> <p>want [100] 5/18 6/24 7/20 9/1 10/25 14/11 15/9 18/6 18/12 18/19 20/12 21/1 21/11 23/8 23/9 24/1 26/11 26/16 27/10 27/11 29/2 29/3 29/10 29/22 31/15 32/12 32/14 33/13 33/13 33/14 33/16 35/16 35/17 36/16 37/7 37/17 38/17 39/23 40/25 40/25 43/13 48/12 48/13 50/9 52/16 53/2 53/3 53/4 53/4 54/9 55/7 55/9 55/12 57/12 57/25 58/16 63/21 63/21 63/22 63/23 63/24 63/25 64/1 66/23 67/9 67/14 67/23 67/25 69/1 72/10 74/19 78/23 86/10 91/11 91/17 92/3 97/11 97/16 97/23 100/12 102/23 103/17 103/25 103/25 104/11 104/25 105/1 105/9 111/14 111/16 112/18 114/11 114/11 123/14 125/7 125/14 132/3 132/6 132/21 132/21</p> <p>wanted [21] 18/2 25/24 32/16 39/1 41/2 49/9 56/8 56/17 66/18 66/19 66/24 79/20 79/20 79/21 84/10 86/18 106/17 111/23 113/11 124/8 132/19</p> <p>wanting [2] 65/21 131/18</p> <p>wants [5] 22/19 63/20 103/3 104/9 108/3</p> <p>was [306]</p> <p>wasn't [25] 8/1 9/6 26/16 26/25 28/6 30/4 30/8 32/17 37/23 42/15 43/10 43/25 45/9 49/1 58/10 58/14 66/18 77/1 81/20 82/2 91/8 91/9 91/9 123/17 123/21</p> <p>waste [1] 15/15</p> <p>watch [2] 46/25 50/8</p> <p>watchdog [1] 69/17</p> <p>watched [2] 28/10 50/24</p> <p>watching [2] 75/22 127/21</p> <p>water [5] 24/9 24/10 24/12 48/25 56/21</p> <p>waves [1] 109/20</p> <p>way [35] 6/4 6/25 17/19 19/16 20/1 20/1 20/14 21/2 31/12 44/3 51/7 51/24 53/9 54/21 54/21 56/14 57/7 57/8 61/9 63/14 65/18 67/13 77/3 80/21 82/18 86/19 89/2 91/6 91/20 112/1 118/16 118/16 128/13 133/12 134/8</p> <p>ways [6] 11/17 55/22 105/9 111/8 118/17 130/19</p> <p>we [243]</p> <p>we'd [3] 39/8 39/9 112/7</p> <p>we'll [4] 67/2 86/10 106/15 108/8</p> <p>we're [34] 6/25 35/17 43/15 47/13 53/16 65/5 65/5 65/11 65/19 67/14 68/25 72/16 75/1 76/8 77/22 81/23 82/21 101/20 104/6 106/7 106/10 106/11 106/15 107/17 111/6 119/3 123/9 124/4 124/4 125/6 125/24 130/12 133/16 134/14</p> <p>we've [8] 55/13 68/14 91/10 101/10 107/12 113/20 125/22 125/25</p> <p>weak [1] 98/3</p> <p>wealth [1] 125/19</p> <p>wearing [1] 48/13</p> <p>website [4] 110/2 110/8 110/10 110/24</p> <p>week [2] 80/6 99/14</p> <p>weekday [1] 75/21</p> <p>weekend [1] 48/18</p> <p>weigh [3] 111/3 115/4 119/21</p> <p>weighs [2] 116/21 118/11</p>
--	--	---

<p>W</p> <p>weird [1] 27/22</p> <p>welcome [3] 21/18 65/20 65/23</p> <p>welcoming [2] 76/21 76/25</p> <p>welfare [23] 4/20 5/1 72/19 73/17 74/6 80/5 81/6 87/13 88/22 109/21 115/2 117/3 117/8 117/21 119/4 119/20 121/17 121/18 121/22 121/25 122/3 122/6 122/11</p> <p>Welfare's [1] 122/2</p> <p>well [38] 8/1 14/17 18/16 18/22 33/21 37/18 38/2 58/15 62/4 64/13 65/23 68/14 68/17 70/25 71/5 71/8 72/1 73/19 77/10 77/11 77/20 77/25 79/18 81/21 81/23 82/20 83/20 85/11 89/12 91/24 96/6 98/13 104/8 109/16 112/4 124/14 127/12 133/21</p> <p>well-being [1] 8/1</p> <p>well-child [1] 73/19</p> <p>well-loved [1] 77/25</p> <p>well-written [1] 37/18</p> <p>went [27] 8/12 8/19 10/7 16/20 17/3 17/3 21/13 22/6 22/15 24/19 24/24 26/12 29/12 33/15 36/14 48/22 49/3 56/2 56/5 71/1 76/18 79/24 81/19 88/16 105/18 115/7 124/12</p> <p>were [138]</p> <p>weren't [6] 45/8 60/8 60/9 60/9 70/19 73/6</p> <p>West [1] 19/4</p> <p>Western [2] 16/23 33/14</p> <p>what [167]</p> <p>what's [15] 20/14 27/13 40/11 53/20 59/17 61/12 75/5 84/11 94/17 97/1 101/15 106/22 126/18 126/19 129/4</p> <p>whatever [2] 6/4 54/4</p> <p>when [80] 4/12 7/16 8/7 8/12 9/19 13/21 14/6 16/12 17/17 18/11 24/18 24/23 26/24 28/3 28/17 30/4 31/24 33/11 39/12 40/11 40/19 40/24 41/14 41/25 42/3 42/11 43/10 43/12 43/13 44/10 46/2 46/3 47/8 47/19 48/24 49/1 49/3 49/25 51/6 51/11 52/22 54/14 58/9 69/4 69/23 73/13 75/21 75/24 77/22 79/5 79/10 79/10 89/13 90/16 94/13 99/14 101/20 105/5 105/6 105/14 107/5 113/17 113/23 115/14 117/2 117/7 117/10 118/14 119/10 119/14 125/7 125/23 126/3 128/7 128/15 128/18 131/7 131/20 132/7 133/13</p> <p>whenever [1] 125/11</p> <p>where [75] 5/24 5/25 7/10 9/4 9/23 10/1 10/19 13/10 13/10 13/25 14/6 15/15 16/21 17/14 21/3 22/24 24/19 24/24 25/11 25/15 25/16 26/14 29/7 33/5 33/22 35/20 35/21 35/22 35/23 36/2 37/7 37/9 41/1 43/9 44/4 44/8 45/15 55/7 55/13 55/13 59/18 65/6 65/8 67/11 67/24 68/2 69/3 75/6 87/7 92/8 92/9 92/19 97/12 97/20 100/21 102/1 102/21 104/25 106/24 107/17 109/24 112/5 112/11 113/19 117/17 118/2 118/6 118/25 120/19 121/2 124/2 125/20 126/6 127/8 128/15</p> <p>wherever [1] 34/14</p>	<p>whether [10] 35/23 87/5 97/6 101/16 113/2 119/11 119/14 123/17 130/9 130/10</p> <p>which [44] 4/13 6/9 11/12 12/14 13/13 19/2 19/10 29/9 34/9 34/20 36/1 42/8 45/2 45/14 63/14 69/17 71/2 71/20 72/7 72/7 72/13 73/11 74/10 74/18 75/6 77/8 81/5 81/6 82/15 83/1 84/12 84/18 85/22 88/7 88/8 89/20 92/13 95/14 96/2 98/2 98/7 110/2 128/2 128/21</p> <p>while [8] 11/3 22/15 26/9 41/17 45/1 47/2 114/10 131/2</p> <p>Whitney [5] 6/14 6/21 7/2 54/11 115/7</p> <p>who [127] 4/21 4/22 5/5 5/11 5/18 5/21 6/14 6/15 9/7 10/5 10/24 11/2 11/21 12/5 12/5 12/5 14/10 15/18 16/3 18/2 18/3 20/3 20/19 20/19 20/22 20/23 20/25 21/24 27/14 33/18 35/5 35/20 36/12 36/13 36/21 38/9 38/10 40/19 44/15 44/16 49/1 50/3 50/22 50/23 51/19 52/4 52/9 53/18 53/18 54/5 57/3 57/3 57/16 57/22 58/5 60/4 61/6 61/10 62/20 63/4 63/8 64/18 65/6 66/12 66/17 67/20 68/12 69/19 70/6 72/8 72/20 73/2 73/6 73/18 73/23 74/11 76/22 76/23 77/23 79/17 80/9 81/16 82/8 82/8 82/19 83/21 84/13 86/4 87/6 87/13 88/11 88/17 88/20 89/15 89/17 90/3 93/22 94/12 94/19 98/14 98/17 98/21 99/22 104/15 105/22 110/14 110/25 111/10 111/24 112/2 116/6 118/9 118/10 118/22 119/8 120/2 122/19 123/3 123/15 123/16 123/25 124/18 125/18 126/13 132/14 132/25 133/9</p> <p>who'd [1] 21/21</p> <p>whoever [3] 96/11 127/4 127/5</p> <p>whole [8] 4/15 24/18 24/23 40/3 56/8 90/3 106/10 133/5</p> <p>whore [2] 27/6 27/21</p> <p>why [34] 14/8 14/9 18/9 18/10 18/10 18/23 19/16 20/23 20/24 42/15 49/5 53/21 53/22 54/1 54/3 54/7 59/1 61/5 61/10 68/1 68/18 80/7 85/22 85/23 95/7 97/15 97/19 103/6 108/14 108/18 111/14 111/19 114/19 115/21</p> <p>wicked [2] 60/7 60/17</p> <p>wickedly [1] 60/17</p> <p>wide [5] 7/5 99/15 104/21 105/3 111/11</p> <p>will [81] 5/19 5/20 6/16 12/22 12/24 13/8 13/20 14/18 14/23 16/9 19/12 20/20 20/21 32/6 32/24 35/19 36/8 36/9 36/9 38/23 41/19 51/19 51/20 51/21 51/23 61/22 64/20 64/23 65/17 68/19 78/5 81/11 83/19 91/3 91/13 92/3 92/22 92/24 92/25 93/8 93/16 93/19 93/20 93/20 95/3 95/9 95/12 96/1 96/1 96/5 96/11 97/4 97/7 97/12 101/20 105/25 106/11 106/19 106/24 111/6 111/7 111/12 113/7 118/23 119/4 120/22 122/3 122/19 125/14 126/12 126/20 127/5 128/3 128/19 129/1 129/8 129/11 131/5 131/25 132/12 133/18</p> <p>William [1] 2/4</p> <p>willing [9] 17/21 80/8 82/11 84/6 112/21 126/22 126/23 130/19 131/13</p> <p>willingness [3] 13/6 20/18 129/24</p>	<p>win [1] 11/23</p> <p>window [1] 11/14</p> <p>Winfrey [1] 19/11</p> <p>wisdom [3] 75/15 77/2 77/4</p> <p>wish [5] 6/7 6/9 14/18 14/19 23/12</p> <p>wished [1] 49/9</p> <p>wishing [1] 49/8</p> <p>withheld [1] 40/9</p> <p>withholding [2] 44/16 96/25</p> <p>within [6] 76/17 81/22 81/24 86/24 115/2 118/7</p> <p>without [12] 18/13 26/21 44/5 53/19 55/3 75/11 80/7 84/14 99/2 128/12 129/22 135/6</p> <p>witnessed [2] 28/9 59/10</p> <p>witnesses [1] 22/18</p> <p>woeful [1] 70/21</p> <p>woke [1] 27/5</p> <p>woman [4] 27/14 33/18 50/21 66/2</p> <p>women [5] 35/11 59/24 104/14 105/22 106/25</p> <p>won't [5] 44/17 44/17 90/23 96/13 119/19</p> <p>wonderful [1] 38/2</p> <p>word [6] 27/17 44/5 95/14 110/12 123/24 131/22</p> <p>words [3] 26/17 37/23 53/5</p> <p>work [122] 14/11 15/20 15/20 16/5 16/7 18/17 20/1 20/4 20/4 20/4 20/13 33/9 34/12 34/22 35/24 36/21 52/1 52/8 54/20 55/5 56/7 56/12 58/18 60/3 62/2 62/6 63/5 63/16 65/8 65/11 65/13 65/17 68/6 68/8 68/9 69/2 70/14 71/1 71/6 71/7 71/7 72/6 72/8 74/1 74/3 74/13 74/16 74/25 75/1 75/5 75/14 76/5 77/18 78/15 78/22 78/23 78/24 80/21 80/23 83/6 84/3 84/4 84/16 84/17 85/25 86/15 87/9 87/13 87/21 87/22 88/9 88/16 88/20 88/21 89/5 90/8 90/23 91/3 91/12 92/15 92/23 93/1 93/9 93/17 93/24 94/13 94/13 94/21 95/9 96/1 98/4 100/5 102/19 103/14 107/7 107/10 107/11 111/12 112/22 115/11 120/4 120/9 120/21 121/18 121/22 123/6 124/5 125/14 125/23 128/8 129/2 129/12 130/2 130/19 132/2 132/21 133/2 133/3 133/4 133/14 133/23 134/5</p> <p>worked [12] 9/9 29/18 35/3 50/21 69/2 69/7 79/2 80/14 82/16 93/25 95/25 97/21</p> <p>worker [4] 9/7 52/12 57/24 72/22</p> <p>workers [9] 20/7 52/21 65/7 72/22 75/9 78/1 80/4 96/12 99/15</p> <p>working [20] 15/11 16/2 63/12 65/9 76/8 79/9 83/5 87/23 93/22 94/2 95/11 101/3 106/12 106/12 106/13 106/14 107/8 121/13 127/16 127/17</p> <p>workloads [1] 78/15</p> <p>works [4] 14/10 30/10 42/22 54/24</p> <p>world [5] 41/11 53/18 54/4 58/17 58/17</p> <p>worldly [2] 48/13 48/13</p> <p>worst [2] 11/3 46/4</p> <p>worth [2] 52/2 54/19</p> <p>would [97] 6/2 6/6 6/13 6/15 6/23 9/14 9/19 9/24 11/16 11/19 12/9 13/12 13/16 16/11 17/10 17/11 18/4 19/20 19/25 20/7 20/10 21/22 22/14 22/20 25/25 26/24</p>
--	---	---

W

would... [71] 26/25 27/2 27/2 27/6 30/1 30/3 30/7 31/18 31/19 32/3 32/4 34/3 35/4 37/7 40/1 40/6 40/6 41/6 42/16 43/3 43/3 43/4 43/8 43/14 43/25 44/3 46/6 50/16 51/8 52/11 52/11 52/24 55/15 57/10 59/9 60/6 60/20 62/8 62/12 62/13 62/15 62/25 66/8 66/12 67/16 68/11 84/21 87/18 90/12 91/5 91/15 92/25 99/1 100/9 101/1 101/8 102/11 102/13 102/19 103/14 108/17 112/8 115/3 115/5 122/25 123/17 123/21 125/2 126/2 129/25 131/20

wouldn't [6] 30/8 32/17 43/4 43/7 43/13 69/11

wow [1] 130/14

wrap [1] 49/2

Wright [1] 2/4

write [6] 20/10 38/2 38/13 52/20 54/8 74/14

writers [1] 38/10

writing [1] 38/7

written [7] 11/17 37/18 52/21 55/10 55/10 102/24 130/9

written-out [1] 11/17

wrong [4] 35/13 55/24 58/10 83/20

wrote [2] 74/16 123/16

WYATT [2] 1/3 3/5

Wyden [2] 17/1 34/10

Y

yeah [16] 9/3 9/3 14/17 17/10 23/3 24/8 24/11 30/17 33/16 33/19 36/16 36/24 37/15 56/7 65/19 72/3

year [22] 10/10 11/14 26/5 26/8 32/24 75/10 77/16 78/16 81/12 87/23 88/11 89/20 92/19 92/19 99/19 99/25 102/6 103/2 105/25 121/6 124/8 130/13

year's [1] 35/12

yearly [1] 97/24

years [46] 9/11 11/3 11/24 13/19 23/15 24/5 24/16 27/1 29/23 30/11 35/8 39/6 39/15 39/16 39/17 39/19 40/23 41/5 42/20 45/13 46/9 50/5 50/20 55/7 57/24 64/11 64/16 69/22 73/4 81/13 82/17 86/11 87/7 87/9 88/9 93/22 93/22 99/11 99/25 111/22 114/9 124/3 125/13 125/25 130/22 130/22

years' [1] 52/2

yell [2] 28/9 44/19

yes [40] 7/22 8/6 8/21 8/24 9/3 10/15 12/8 12/13 19/24 21/22 22/13 22/19 24/25 25/5 25/18 25/18 30/21 31/6 31/6 31/9 31/24 32/21 33/1 33/4 33/10 35/18 36/7 36/11 37/4 58/12 58/20 64/6 67/18 68/13 79/15 87/21 89/12 90/22 100/2 107/9

yet [6] 17/25 67/25 68/6 93/21 96/2 96/4

York [1] 2/15

you [461]

you'll [3] 33/2 38/3 51/11

you're [41] 7/14 9/2 15/23 16/10 21/18 24/6 27/9 27/17 27/22 30/19 30/23 31/1 31/1 31/4 32/25 32/25 34/19 35/24 36/11 38/20 44/18 44/22 51/6 53/22 53/25 55/6

55/10 57/17 62/1 62/1 65/18 65/20 72/1 91/21 94/1 94/23 97/14 99/24 105/6 107/7 132/21

you've [28] 16/11 21/8 21/10 21/16 23/1 34/19 36/10 38/17 51/13 54/14 55/5 55/6 55/10 55/10 55/11 55/18 60/3 61/5 61/21 62/6 66/1 69/2 69/3 87/15 87/17 91/18 93/25 97/20

you: [1] 41/7

you: How [1] 41/7

young [51] 14/2 18/1 18/2 18/10 21/14 21/20 33/18 40/14 41/23 44/1 44/2 66/2 66/7 66/11 66/19 68/4 78/9 86/15 86/16 86/16 87/4 87/23 88/1 88/7 88/11 88/14 88/16 88/17 88/20 88/24 89/3 89/7 89/12 89/16 89/19 90/3 92/12 95/21 101/10 104/14 105/21 106/2 106/25 109/4 109/6 109/25 110/14 111/17 111/24 115/12 132/3

younger [2] 27/2 39/8

your [157]

yours [1] 16/6

yourself [8] 20/18 28/4 41/7 41/22 50/17 55/7 55/9 61/16

yourselves [2] 3/7 97/17

youth [18] 11/10 11/21 12/4 14/1 14/6 14/8 18/11 39/19 48/11 88/23 100/15 101/2 109/17 109/17 111/7 111/8 112/3 117/20

youths [1] 114/3

Z

zeal [2] 55/3 55/4

zero [1] 70/8

Zoom [6] 21/25 22/7 22/8 66/10 66/11 67/22